

THE MEDIEVAL MEDITERRANEAN * BRILL

Pope, Church and City

Essays in Honour of Brenda M. Bolton

Edited by

*Frances Andrews, Christoph Egger
and Constance M. Rousseau*



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POPE, CHURCH AND CITY

THE
MEDIEVAL MEDITERRANEAN
PEOPLES, ECONOMIES AND CULTURES, 400-1500

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Sta Maria Sopra Minerva, Rome (detail).

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LIST OF ABBREVIATIONS

<i>AHP</i>	<i>Archivum Historiae Pontificiae</i>
<i>AASS</i>	<i>Acta Sanctorum</i>
<i>ASRSP</i>	<i>Archivio della Società Romana di Storia Patria</i>
<i>ASV</i>	Vatican City, Archivio Segreto Vaticano
<i>BAV</i>	Vatican City, Biblioteca Apostolica Vaticana
<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i> (now: <i>Historical Research</i>)
<i>BL</i>	British Library
<i>BnF</i>	Bibliothèque nationale de France
<i>Bolton, Innocent III</i>	Brenda Bolton, <i>Innocent III: Studies on Papal Authority and Pastoral Care</i> , Collected Studies Series, 490 (Aldershot, 1995)
<i>CCCM</i>	Corpus Christianorum, Continuatio Mediaevalis
<i>CCSL</i>	Corpus Christianorum, Series Latina
<i>CSEL</i>	Corpus Scriptorum Ecclesiasticorum Latinorum
<i>DA</i>	<i>Deutsches Archiv für Erforschung des Mittelalters</i>
<i>Decretum</i>	<i>Decretum Gratiani, Corpus Iuris Canonici</i> , ed. E. Friedberg, i (Leipzig, 1879)
<i>DHGE</i>	<i>Dictionnaire d'Histoire et de Géographie ecclésiastiques</i> , ed. A. Baudrillart, A. de Meyer, E. van Cauwenbergh, and R. Aubert (Paris, 1912–)
<i>EHR</i>	<i>English Historical Review</i>
<i>FSI</i>	Fonti per la Storia d'Italia
<i>Gesta</i>	<i>Gesta Innocentii papae tertii</i> , in J.P. Migne, <i>Patrologiae cursus completus, Series Latina</i> , vol. CCXIV (Paris, 1855), coll. xvii–ccxxviii
<i>Innocenzo III. Urbs et Orbis</i>	<i>Innocenzo III. Urbs et Orbis. Atti del Congresso Internazionale Roma, 9–15 settembre 1998</i> , ed. Andrea Sommerlechner, 2 vols, Nuovi

- Studi Storici, 55 = Miscellanea della Società Romana di Storia Patria, 44 (Roma, 2003)
- Italia Pontificia* Paul Fridolin Kehr, *Italia Pontificia, Regesta Romanorum pontificum*, 10 vols in 8: i–viii (Berlin, 1906–35; repr. 1961); ix, ed. Walther Holtzmann (Berlin, 1962); x, ed. Dieter Girgensohn (Zurich, 1975)
- JEH* *Journal of Ecclesiastical History*
- JK, JE, JL *Regesta pontificum Romanorum ab condita ecclesia ad annum post Christum natum 1198*, ed. Philipp Jaffé, second edn. by F. Kaltenbrunner, P. Ewald, S. Löwenfeld, 2 vols (Leipzig, 1885–88, repr. Graz 1956)
- Le Liber Censuum* *Le Liber Censuum de l'Eglise romaine*, ed. P. Fabre and L. Duchesne, 3 vols (Paris, 1889–1952)
- Liber Extra* *Decretales Gregorii IX seu Liber Extra, Corpus Iuris Canonici*, ed. E. Friedberg, ii (Leipzig, 1879)
- LP* *Le Liber Pontificalis*, ed. L. Duchesne, 2 vols (Paris, 1886–92); vol. 3, *Additions et corrections de Mgr L. Duchesne*, ed. C. Vogel (Paris, 1957)
- Mansi *Sacrorum conciliorum nova et amplissima collectio*, ed. J.D. Mansi, cont. I.B. Martin, L. Petit, 53 vols (Florence-Venice 1759–98; Paris, 1901–27; repr. Graz, 1960–61)
- MGH* *Monumenta Germaniae Historica*
- AA* *Auctores antiquissimi*
- Briefe d. dt. Kaiserzeit* *Die Briefe der deutschen Kaiserzeit*
- Epp.* *Epistolae*
- Epp. saec. XIII* *Epistolae saeculi XIII*
- Epp. sel.* *Epistolae selectae*
- SS* *Scriptores* (in folio), 32 vols in 34 (Hanover, 1826–1934)
- SS rer. germ.* *Scriptores rerum Germanicarum in usum scholarum ex Monumentis Germaniae Historica separatim editi*, 61 vols (Hanover et al., 1839–1935; variously re-edited and reprinted)

<i>SS rer. germ.</i> n.s.	<i>Scriptores rerum Germanicarum</i> , new series (Berlin, 1922–)
<i>SS rer. merov.</i>	<i>Scriptores rerum Merovingicarum</i> (Hanover, 1885–1920, some reedited and reprinted)
<i>NCE</i>	<i>New Catholic Encyclopedia</i> (New York, 1967)
<i>MIÖG</i>	<i>Mitteilungen des Instituts für Österreichische Geschichtsforschung</i>
OMT	Oxford Medieval Texts
Petrus Mallius, <i>Descriptio</i>	Petrus Mallius, <i>Descriptio Basilicae Vaticanae</i> , ed. R. Valentini and G. Zucchetti, <i>Codice topografico della città di Roma</i> 3
<i>PL</i>	<i>Patrologiae cursus completus, series latina</i> , ed. J.P. Migne, 221 vols (Paris, 1841–64)
<i>Pope Innocent III</i>	<i>Pope Innocent III and his World</i> , ed. John C. Moore (Aldershot, 1999)
Poth.	August Potthast, <i>Regesta Pontificum Romanorum inde ab anno post Christum natum 1198 ad annum 1304</i> , 2 vols (Berlin, 1874–75, repr. Graz, 1957)
Reg. Inn. i	<i>Die Register Innocenz' III., 1. Pontifikatsjahr, 1198/1199. Texte</i> , eds Othmar Hageneder and Anton Haidacher, Publikationen der Abteilung für historische Studien des Österreichischen Kulturinstituts in Rom, 2. Abt., 1. Reihe, Bd. 1: Texte (Graz, 1964); <i>Die Register Innocenz' III., 1. Pontifikatsjahr, 1198/1199. Indices</i> , eds Alfred A. Strnad et al., Publikationen der Abteilung für historische Studien des Österreichischen Kulturinstituts in Rom, 2. Abt., 1. Reihe, Bd. 1: Indices (Graz, 1968)
Reg. Inn. ii	<i>Die Register Innocenz' III., 2. Pontifikatsjahr, 1199/1200. Texte</i> , eds Othmar Hageneder, Werner Maleczek and Alfred A. Strnad, Publikationen der Abteilung für historische Studien des Österreichischen Kulturinstituts in Rom, 2. Abt., 1. Reihe, Bd. 2: Texte, (Rome, 1979); <i>Die Register Innocenz' III., 2. Pontifikatsjahr, 1199/1200. Indices</i> , eds Karl Rudolf et al., Publikationen des historischen

- Instituts beim Österreichischen Kulturinstitut in Rom, 2. Abt., 1. Reihe, Bd. 2: Indices (Rome, 1983)
- Reg. Inn. v *Die Register Innocenz' III., 5. Pontifikatsjahr, 1202/1203. Texte*, eds Othmar Hageneder with Christoph Egger, Karl Rudolf and Andrea Sommerlechner, Publikationen des historischen Instituts beim Österreichischen Kulturinstitut in Rom, 2. Abt., 1. Reihe, Bd. 5: Texte (Vienna, 1993); *Die Register Innocenz' III., 5. Pontifikatsjahr, 1202/1203. Indices*, eds Andrea Sommerlechner with Christoph Egger and Herwig Weigl, Publikationen des historischen Instituts beim Österreichischen Kulturinstitut in Rom, 2. Abt., 1. Reihe, Bd. 5: Indices (Vienna, 1994)
- Reg. Inn. vi *Die Register Innocenz' III., 6. Pontifikatsjahr, 1203/1204. Texte und Indices*, eds Othmar Hageneder, John C. Moore, Andrea Sommerlechner with Christoph Egger and Herwig Weigl, Publikationen des historischen Instituts beim Österreichischen Kulturinstitut in Rom, 2. Abt., 1. Reihe, Bd. 6: Texte und Indices (Vienna, 1995)
- Reg. Inn. vii *Die Register Innocenz' III., 7. Pontifikatsjahr, 1204/1205. Texte und Indices*, eds Othmar Hageneder, Andrea Sommerlechner, Herwig Weigl with Christoph Egger and Rainer Muraier, Publikationen des historischen Instituts beim Österreichischen Kulturinstitut in Rom, 2. Abt., 1. Reihe, Bd. 7: Texte und Indices (Vienna, 1997)
- Reg. Inn. viii *Die Register Innocenz' III., 8. Pontifikatsjahr, 1205/1206. Texte und Indices*, eds Othmar Hageneder, Andrea Sommerlechner with Christoph Egger, Rainer Muraier and Herwig Weigl, Publikationen des historischen Instituts beim Österreichischen Kulturinstitut in Rom, 2. Abt., 1. Reihe, Bd. 8: Texte und Indices (Vienna, 2001)
- Reg. Hon. III *Regesta Honorii Papae III*, ed. Pietro Pressutti, 2 vols (Rome, 1888–1895, repr. Hildesheim, 1978)
- Reg. Greg. IX *Les registres de Grégoire IX*, ed. Lucien Auvray, 4 vols (Paris, 1896–1955)
- Reg. Inn. IV *Les registres d'Innocent IV*, ed. Élie Berger, 4 vols (Paris, 1884–1921)

Reg. Alex. IV	<i>Les registres d'Alexandre IV</i> , eds C. Bourel de La Roncière, Joseph de Loye, Pierre de Cenival and Auguste Coulon, 3 vols (Paris, 1902–1953)
Reg. Urban IV	<i>Les registres d'Urbain IV</i> , eds Jean Guiraud, L. Dorez and Suzanne Cléménzet, 4 vols (Paris, 1892–1958)
Reg. Clement IV	<i>Les registres de Clement IV</i> , ed. Édouard Jordan (Paris, 1983–1945)
Reg. Bon. VIII	<i>Les registres de Boniface VIII</i> , eds Antoine Thomas, Maurice Faucon, Georges Digard and Robert Fawtier, 4 vols (Paris, 1884–1939)
RIS	<i>Rerum Italicarum Scriptores</i> , ed. L. Muratori, 25 vols (Rome, 1723–51)
RIS ²	<i>Rerum Italicarum scriptores. Raccolta degli storici Italiani, dal cinquecento al millecinquecento</i> , 2nd edn by G. Carducci, V. Fiorini, and P. Fedele, 34 vols (Città di Castello, Bologna, 1900–)
RS	<i>Rerum Britannicarum Medii Aevi Scriptores</i> (Rolls Series)
s.a.	sub anno
s.v.	sub vocabulo
SCH	<i>Studies in Church History</i> (London et al., 1964–)
SChr	<i>Sources Chrétiennes</i>
TRE	<i>Theologische Realenzyklopädie</i>
TRHS	<i>Transactions of the Royal Historical Society</i>

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BRENDA BOLTON: AN APPRECIATION

Barrie Dobson

When a dozen years ago Brenda Bolton composed an eloquent tribute to one of her most benevolent mentors, the late Professor Michael Wilks, she began by establishing what she called the physical landmarks of his career. No admirer of Brenda, whether as a historian, student or friend, can easily do otherwise. Her capacity to enliven the spirits of all who know her by communicating her enthusiasm for her own personal *genii loci* is one of the most remarkable characteristics of an outstandingly life-enhancing scholar. Admittedly Brenda always tends to seem at home wherever one meets her. For very many years she has been a welcome presence in medieval academic circles from London to Leeds, from Cracow to Kalamazoo, from old York to New York: in the words of one of her friends, 'wherever you go (Australia, the USA, Austria, Italy . . .) you meet scholars who know Brenda well'. Nevertheless, none of her admirers can have any doubt at all that it is the cities of St Albans and of Rome which she has made peculiarly her own. How appropriate that one of Brenda's most recent initiatives has been the editorship (with Anne Duggan) of a collection of studies and texts devoted to Adrian IV (1154–59). Pope Adrian, by origin Nicholas Breakspear, is well known as the only Englishman—so far—ever to have become pontiff of the Holy See. For Brenda it may be even more important that he is also the only pope to enjoy the unusual distinction of being the son of an early Norman monk of St Albans Abbey. For it can hardly be too sacrilegious to suggest that of the two Holy Places of Rome and St Albans it is the latter which may be closest to her affections. Even as a very small girl she can hardly have failed to notice that she lived within half a mile of Verulamium, not only the most celebrated of urban sites in Roman Britain but also the centre of the cult of the earliest recorded Christian martyr in the country.

At what point in her St Albans childhood Brenda Bolton developed her zeal for history, and for the history of the medieval Christian church in particular, only Brenda herself can know. Certainly the

architectural evolution of her ancestral home—where she still lives—is distinctive enough to arouse historical curiosity in its own right. When Brenda inherited this handsome if endearingly complex family residence from her parents half a generation ago, it had been unwisely dismissed by the late Sir Nikolaus Pevsner as an admirable foil to the medieval church of St Stephen across Watling Street but ‘of no special character’ in itself. In fact, thanks to Brenda’s heroic labours over many years, that house (complete with picturesque garden, ancient tithe barn and elegant cat) is now familiar to many of her friends and students as the most characterful and hospitable home they know—the ideal locale within which to discuss problems of medieval history and much else besides. Even the least sentimental visiting historian who gazes through Brenda’s windows across crowded Watling Street to St Stephen’s Church might well feel haunted by the ghosts of Henry II, Thomas Becket and the innumerable other travellers who rode or walked along Watling Street from London to St Albans on the first stage of what may have been the busiest arterial road of medieval England. Small wonder that when the young Brenda Bolton applied for admission as a B.A. undergraduate in the History Department of the University of Leeds at the end of the 1950s, she impressed—and even startled—Gordon Forster and other members of her interviewing panel by the expertise with which she talked about both Watling Street and Verulamium.

Not that Brenda Bolton was destined to become a Roman historian. She is still warmly remembered by her history teachers at Leeds as ‘the kind of undergraduate everybody likes to have in an honours school’ and also as a student already determined to specialise in medieval courses. Similarly, Brenda’s own loyalty to her *alma mater*, where she was a dynamic presence in one of the women’s halls of the period, remains undiminished by time; and as a member (and Chair) of the Programming Committee of the mammoth International Medieval Congress at Leeds every July, she continues to promote important and highly enjoyable academic causes there. Among the many distinguished Leeds historians impressed by Brenda’s promise as a student in the early 1960s, the most influential was the late Professor John Le Patourel, whose Special Subject she studied in her final undergraduate year. Not at all an easy scholar to please, Le Patourel rapidly recognised Brenda’s potential as a research graduate; and it was under his supervision that she embarked upon a Leeds MA dissertation, completed in 1963. It was for this reason

that Brenda's first substantial publication took the otherwise unlikely and indeed esoteric form of an article which threw indirect light on eating eels in the medieval Channel Islands. This paper on '*Esperkeria Congrorum*', in many ways still the most intriguing item in Brenda's long bibliography, appeared in the *Report and Transactions of the Société Guernesiaise* in 1969. But by that date Brenda had already (in 1965, after a year as a school teacher in south London) joined the staff of the History Department of what was then the North-Western Polytechnic, later the Polytechnic and then University of North London. There she remained, first as Lecturer and then Senior Lecturer, for ten years until her appointment to Westfield College of the University of London in 1975.

In retrospect Brenda's years at the North London Polytechnic were critical in establishing her reputation as an inspiring teacher, dedicated scholar and champion of good—if sometimes unexpected—academic causes. As one of the only two medieval historians at the Polytechnic, she rapidly became an invigorating lecturer across a wide range of medieval topics. However, Brenda is even better remembered by her ex-colleagues there for the success with which she arranged enterprising and highly popular residential week-ends for their London students. By this time too Brenda's historical interests had moved firmly away from the Channel Islands; and 1971 saw the publication of her closely argued paper on 'The Council of London of 1342', based on a very careful reading of Wilkins's *Concilia* and contemporary episcopal registers. Although this article still remains completely persuasive in its demonstration of the English church's political vulnerability to intervention by Edward III's government, it may be even more significant that it was the very first of Brenda Bolton's many contributions to the Ecclesiastical History Society's annual *Studies in Church History*. For the last thirty years Brenda has been one of the most loyal and enthusiastic participants at that Society's Summer and Winter Conferences. No one who has been made welcome at those conferences by Brenda and her friends can have any doubt of the depth of her affection towards the Society and its members. Indeed, although Brenda has many claims to the gratitude of English historians, not the least of these has been her central role in promoting the triumphant progress of the Ecclesiastical History Society through the last quarter of the twentieth century. As all who know her will testify, Brenda is one of the great historical facilitators of our age, to the extent that it is hard to think of any

contemporary English scholar who has done more to make the pursuit of the history of the Christian church a more collaborative and convivial endeavour. Over a century ago Bishop Stubbs and F.W. Maitland notoriously ensured that henceforward English constitutional history could no longer be approached 'without considerable intellectual effort'; in our time Brenda Bolton has proved that the course of ecclesiastical history, however sombre and contentious, can always be approached in a spirit of tolerance and good humour.

Not that Brenda has ever been anything but a historian of highly critical and serious scholarship herself. In the introduction to the collection of her essays published in the *Variorum* Series in 1995, *Innocent III: Studies on Papal Authority and Pastoral Care*, Brenda observed that the conferences of the Ecclesiastical History Society provided a 'unique forum which allows the ideas of both younger and older scholars to be presented, tested and subsequently published'. Undoubtedly so; and Brenda herself wins the not inconsiderable competition for contributing more papers to the Society's forty or so annual volumes of *Studies in Church History* than any other medieval church historian. The format of these *Studies*, devoted to revised versions of closely focused conference papers, clearly lends itself admirably well to the precise conjuncture of perception and learning with which Brenda constantly identifies and attacks apparently specialised historical problems—but problems with very significant general implications indeed. Between 1972 and 1976, for example, no less than five articles by Brenda appeared in various volumes of *Studies in Church History*. Two of these, 'Tradition and Temerity: Papal Attitudes to Deviants, 1159–1216' and 'Sources for the early history of the Humiliati', not only illustrated her growing confidence and assurance in attacking contentious and fundamental issues but also marked perhaps the most critical stage in the evolution of her primary historical interests.

Brenda's pioneering work in these years on late twelfth-century poverty movements in general and the Humiliati in particular ('their tertiaries can be regarded as the forerunners of the mendicants') remains highly influential both in its own right and because of the stimulus it gave to several of her distinguished research graduates. Quite as influential have been her novel contributions to the religious roles available to women in a society where 'the high status authority of the church was against them'. Thus her erudite and thought-provoking study of '*Mulieres sanctae*', published in 1973, rapidly became a key text in the campaign to recapture medieval women

from undeserved neglect. Five years later, Brenda's article on '*Vitae Matrum: A Further Aspect of the Frauenfrage*' in the essays on *Medieval Women* dedicated to Rosalind Hill in 1978, must rank among the most brilliant and groundbreaking of all her papers. In a series of later studies which also often owed their origins to Ecclesiastical History Society conferences, nine of them fortunately reprinted in her *Variorum* collection, Brenda continued to probe the tensions between the centrifugal and centripetal forces in the medieval Western Church—at exactly the period (the pontificate of Innocent III) when it can be argued that these tensions were at their most finely balanced. By an irony of which Brenda was herself certainly aware, her scholarly 'mission' came to focus on the nature of Innocent III's own apostolic mission and his remarkable ability to enhance papal authority by absorbing rather than rejecting the most disruptive ideological forces of his age. To that extent, although one imagines that Brenda would always be too modest to think of herself as intellectually 'relevant' to our own times and discontents, few medieval church historians of our time have produced work more worth pondering by those alarmed at the disruptive tendencies still highly evident in the Christian church nearly eight centuries after the fourth Lateran Council of 1215.

Meanwhile Brenda continued to contribute a good deal more than her own scholarship to the affairs of the Ecclesiastical History Society and its publications. No doubt she owed a good deal to her companions-at-arms in the Society, Claire Cross, Derek Baker, Bill Sheils, Diana Wood, Kathryn Harris, Hugh Macleod and many, many others; but that Society owes Brenda herself an even greater debt. A generation ago no one could have predicted that of all British national historical associations the Ecclesiastical Historical Society would become the most conspicuously and continuously successful in both scholarly and convivial terms. Much, perhaps most, of the credit for that success goes to Brenda, whose dedication, administrative skill, charm and talents as a 'smooth persuader' soon made her an exemplary Conference Secretary and have been at the service of the Society ever since. Even more remarkable was—and is—her central role as the Secretary of the British Sub-Commission of the International Commission for the Comparative Study of Ecclesiastical History (CIHEC). A closer study of Brenda's achievements would detail her many triumphs on the international medieval scene (at St Catherine's College, Oxford in 1974, at Uppsala in 1977, and at Strasbourg in

1983, to take only three of numerous examples) as she led the British contingents of CIHEC into successful battle against its much more numerous competitors across the Channel. Those of us who have been fortunate enough to observe Brenda's diplomatic skills on these occasions have never had any doubt that in becoming a medieval historian she has deprived the United Kingdom, the European Union and indeed the United Nations of the services of a superbly effective negotiator.

However, it was in 1975, with her appointment as a Lecturer (later Senior Lecturer) at the late and much lamented Westfield College of the University of London that Brenda fully came into her own in her own country. In the great tradition of her predecessor, Rosalind Hill, she devoted herself selflessly to the intellectual and social welfare of her students; and from what in retrospect seems to have been an idyllic academic bastion in West Hampstead she was also able to play a most creative role in medieval historical studies within the labyrinthine corridors of the University of London itself. As Christopher Brooke, her first Head of Department there, points out, during these halcyon if closing years of Westfield Brenda enjoyed an 'admirable combination of college and university teaching which suited her so well'. She also offered a uniquely challenging learning experience to the many Westfield and other undergraduates who came to share her own enthusiasm for the medieval church and for Pope Innocent III in particular. Not that Brenda confined her attentions—and her memorable expeditions—entirely to the memorials of medieval Rome. Professor Hugh Lawrence, with whom she taught an optional Subject on 'Ecclesiastical Institutions of the Middle Ages' to students from Bedford and University Colleges, London, as well as from Westfield itself for fourteen years, still recalls the verve with which Brenda familiarised herself with the most authentic public houses in the North and West Ridings of Yorkshire as she and her disciples moved from the monastic remains at Byland to those of Rievaulx and Mount Grace.

More exciting still, or so one gathers, were (and are) Brenda's many expeditions to Rome, a mandatory requirement in fact for students who took her University of London Special Subject on Innocent III in the 1980s and 1990s. More informal visits to Rome are also a source of delighted reminiscence—and not a few tall stories—to those friends and colleagues who have followed in Brenda's footsteps around the eternal city in more recent times. These reminiscences

provide vivid testimony to Brenda's powers of persuasion when confronted by papal officials who attempted to deny her students admission to the Vatican Archives or to recent excavations under St Peter's Basilica itself. Still vividly remembered too are the meetings Brenda arranged with distinguished luminaries of the Vatican. These included Father Leonard Boyle, whose generosity to innumerable English and American scholars she did so much to honour after his untimely death, and Michele Maccarrone, whose publications on Innocent III greatly influenced her own. But then even those of us not fortunate enough to have been taught by Brenda have benefited from her advice on all things Roman, from the aesthetic quality of the city's churches to the prices of its hotels.

Not surprisingly, one of Brenda's greater contributions to the study of the twelfth and early-thirteenth century popes was accordingly her then unfashionable attention to their local *mise en scène*. In Anne Duggan's phrase, 'Rome itself, papal and communal, was the essential backdrop' to many of Brenda's increasingly numerous papers on various aspects of Innocent III's pontificate. During the early 1990s in particular, she produced a remarkable series of learned and original articles designed to demonstrate that Innocent III's own initiatives were critical in transforming Rome into 'the setting for God's grace and worthy City of God' and thereby allowing the Church to develop from its Jewish antecedents. In a paper published in 1991 on Innocent III's preparations for the Fourth Lateran Council, Brenda demonstrated that the 1,200 archbishops, bishops, abbots and other prelates who attended that Council were deliberately presented with 'a Show with a Meaning'. A year later, in the course of an article on the ways in which Innocent exploited Rome's incomparable collection of Christian images and relics to 'advertise the message' of papal supremacy, Brenda again drew attention to Innocent's enjoyment of street theatre and his personal emotional commitment to the city of Rome. None of the many previous historians of Innocent III had placed as much emphasis on the pope's role as a religious and spiritual patron within Rome itself.

Admittedly many of Innocent's plans for the improvement of his holy city were excessively ambitious. How can he have supposed, for instance, that by 1202 or so hundreds of English Gilbertine sisters could be available to staff his colossal but ill-fated new nunnery foundation of San Sisto near the Appian Way? Nevertheless, in an exceptionally thought-provoking paper on 'Innocent III's Attitude to

Social Welfare' in 1994, Brenda made a formidable case for a pope whose concern for the poor was based on a profound personal identification with the *via Christi*. Moreover, although Brenda's Innocent III is undoubtedly something of a spiritual paragon, he is not allowed to be entirely immune from criticism. In any case, it is hardly a surprise that a scholar of Brenda's own generosity of spirit should always prefer—among the serried ranks of influential Christian prelates—to praise the 'peaceful fishermen of souls' rather than castigate the 'predatory hunters after glory'.

Brenda's reputation as a historian of Innocent III is all the more impressive because he is probably the least neglected pope in Christian history. The last half-century has witnessed an exceptional outpouring of historical literature devoted to Innocent's life and times, not least Brenda's own collection of *Selected Documents on the Pontificate, 1198–1216*, to be published by the Manchester University Press. As that collection confirms, Brenda enjoys a meticulous command of the highly diverse original sources for papal history at this period. It may prove to be the greatest of Brenda's scholarly achievements that she has managed to persuade British historians in particular that this 'eminently approachable' pontiff deserves to be heard—and considered—much more sympathetically than he traditionally is. But then, quite unusually for an English scholar of the papacy, Brenda has always been more interested in tracing changing currents of religious sentiment rather than in analysing the church's involvement in political conflicts or its ecclesiological and legal concepts in their own right. As Hugh Lawrence has observed, Brenda's most fruitful work tends to follow along paths pioneered across the Channel by Herbert Grundmann, André Vauchez and their colleagues; and it may well be true that her studies of medieval religious ideas and idealism are still better understood and appreciated on the continent than in her own country. But for such ignorance, if such it is, there can be no serious excuse. Twenty years ago, Brenda's comparatively small but influential book on *The Medieval Reformation* was highly precocious in turning the attention of university students and their teachers to the intense spiritual dynamic which by the late twelfth century lay behind such phenomena as 'lay religious movements' and 'religious women' as well as the more traditional forms of the monastic life. Many of the perceptions in that book, not least the possibility that the great twelfth-century *renovatio* of western Christendom was accomplished with less storm and stress than the triumph of acade-

mic humanism in the century which followed, still deserve to be pursued much further. And who more qualified to pursue them than Brenda herself?

Not alas that Brenda's future major contributions to our knowledge of medieval religion will take place at Westfield College. As is well known but certainly still deserves to be remembered, in 1981 the University of London began to come under intense pressure from the national government to embark on what was called rationalisation. After a distressingly long period of irrational uncertainty, Westfield's merger with Queen Mary College on the Mile End Road took place in the autumn of 1989. Whereas Brenda's last and much respected Head of Department at Westfield, Henry Loyn, had reached retiring age, Brenda had not done so. She was therefore faced with the inescapable loss of the college and most of the colleagues she had served loyally for fourteen years. It would be idle to pretend that Brenda enjoyed the difficulties of her new situation. However, the altogether understandable strain these new problems caused her in the early 1990s never prevented her from continuing to care for the welfare of her students and from producing scholarly work of great merit. With an admirable resilience, which all her ex-colleagues and friends continue to admire and envy, Brenda has long ago rapidly resumed her role as the most cheerful source of both hilarity and learning a fellow medieval church historian could hope for. Now formally retired from the employ of the University of London, she is retired in no other sense whatsoever.

Too energetic and perhaps too light hearted to be a conventional academic *grande dame*, Brenda continues to amaze by the multiplicity of her scholarly interests, the effectiveness of her networks and the intense loyalty she enjoys among her many friends. It goes without saying, for instance and to name only a few names, that this appreciation of Brenda would be much more inadequate than it is had it not been for the generous and heartfelt comments of Frances Andrews, Christopher Brooke, Claire Cross, Anne Duggan, Gordon Forster, Hugh Lawrence, Kate Lowe, John Taylor, Colin Tite and Patrick Zutshi. In the intervals of cultivating her garden (and a very large and beautiful garden it is) Brenda continues to entertain these and her many other guests with erudite disquisitions on twelfth-century saints, the problems of shopping in St Albans and the subtle differences between 'blue grass' and other forms of country music. It was inevitable of course that Brenda should become President of

the Ecclesiastical History Society sometime, but especially fortuitous that her Presidency began in exactly the same week of July 2003 that CIHEC, another organisation she has long adorned, also met at the University of Exeter. Brenda chose as her Society's theme for the year. 'Signs, Wonders and Miracles'. Without claiming to know quite what Brenda might 'signify' *sub specie eternitatis*, nor how capable of performing transcendental miracles she is, none of us who know her have any doubt at all that Brenda herself is a wonderful teacher, friend and colleague. As the contents of this volume may suggest, we are very fortunate indeed that she, like Innocent III in his time, has been so 'eminently approachable' to us all.

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INTRODUCTION

Frances Andrews

As Barrie Dobson demonstrates in the preface above, Brenda Bolton has been a key contributor to scholarship on the popes and ecclesiastical and social life of late medieval Europe for three decades. This volume reflects those interests as refracted through the careers of students and friends encountered on her many travels. It is intended as a celebration of Brenda's career and also as a demonstration of the vibrancy of the study of the ecclesiastical and social history of the Mediterranean in the late middle ages to which she has contributed with indefatigable enthusiasm.

The papers in this volume move outwards, from the papacy, the curia and the city of Rome, to the wider Church and the urban context of the Italian peninsula. They start with material closest perhaps to Brenda Bolton's current interests: the self-perception, teaching and policies of her favourite pope, Innocent III (1198–1216). Much early work on Innocent tended towards extreme moral stances, viewing him in a seemingly irresolvable conflict as either Vicar of Christ or Lord of the World (neatly echoed in the title of a classic collection on his papacy edited by one of the contributors to the present volume).¹ Instead Brenda's work has demonstrated that he never fitted simply into one of these categories but was always also Bishop of Rome, a 'man of faith and spirituality'.² Innocent's pontificate is famously well-documented and the papers in the first section make the most of the interplay between different types of sources: letters written in the heat of the moment, alongside sermons and treatises which perhaps give a better sense of his articulated thought. In the first paper, Christoph Egger examines Innocent's response to another of the great writing popes, Gregory I (590–604). This is exposed

¹ *Innocent III: vicar of Christ or lord of the world?* edited with an introduction by James M. Powell, 2nd expanded edn (Washington, D.C., 1994).

² B.M. Bolton, '*Qui fidelis est in minimo*: the importance of Innocent III's gift list', in *Pope Innocent III*, 113–140, at 140.

from unexpected angles. First he pieces together a complex range of references to argue that early in the pontificate Innocent was responsible for elevating Gregory's tomb in St Peter's. This adds an important element to our understanding of Innocent's interest in the basilica, previously acknowledged by Brenda Bolton in her work on the pope's restoration of the apse mosaic, institution of the feast of the Veronica and the licence issued to the canons of St Peter's for the production of pilgrim badges.³ Egger has also uncovered a previously unknown sermon by Innocent for the feast of St Gregory, perhaps addressed to a clerical audience: a truly remarkable discovery for one of the most studied sermon writers of the late middle ages. The new text is a sophisticated reworking and extension of ideas from Gregory and confirms that Innocent, like his predecessor, was greatly concerned about pastoral care and his own enormous responsibilities as pope.

Constance M. Rousseau again looks at Innocent the writer, exploring the pope's rejection of the Immaculate Conception 'through the lenses of sexuality, the female body and Christology.' She places Innocent's surviving writings, both pre and post election, including a Hymn to the Virgin attributed to him, in the context of contemporary medical knowledge. This underlines why it would have been impossible for Innocent to argue for the Immaculate Conception of Mary. Had Christ's mother been anything other than fully human, this would have both undermined the virgin birth and compromised Jesus' nature as God and man. Rousseau's approach reminds us just how aware a pope needed to be of contemporary attitudes, even towards sexuality and the workings of the female body. At the same time she demonstrates that the pope was deeply rooted in the tradition of twelfth-century theology.

Whereas Innocent's views on conception fit neatly into the thinking of his day, John C. Moore argues that his view of usury, demonstrated in action as well as in his writing, is less obviously contemporary. Moral reformers of the day were strongly opposed to usury on biblical grounds, but Innocent was nothing if not pragmatic. He probably recognised the impracticality of opposition in face of growing demand for credit. His decrees did indeed condemn excessive interest but, Moore argues, generally Innocent 'did no more than the

³ Ibid., 124.

minimum.’ His letters frequently acknowledged the inevitability of borrowing at interest. In 1199 this even went so far as allowing prelates who owed an income tax of 2.5% for the Crusade to deduct any interest that they could not avoid paying; and he himself was prepared to borrow at interest when papal policy demanded funds. He also warned his fiercely anti-usury legate in France, Robert Courson, to show moderation in his actions. So the condemnation of usury could be set aside in the face of the essential clause, evident need (*evidens utilitas et urgens necessitas*). Innocent’s approach is here seen as an important step in the development of tacit permission for an inescapable practice.

Finally in this first section, Peter Clarke situates Innocent in the tradition of thinking on the Interdict as a political weapon against secular opponents. Wisely setting aside arid debates about Innocent’s schooling, Clarke shows us how the pope used contemporary ideas from both theological and canon law teaching to forward a policy which was to be widely adopted by his successors. The imposition of an Interdict, depriving communities of their religious rites for the sins of their leaders, might be interpreted as a punishment of the innocent. In the controversial view of men such as Peter the Chanter however, ‘a people deserved punishment if they failed to exploit the force of their numbers to resist their leader’s sins’. This idea of popular resistance to sinful leaders was gaining currency with both canon lawyers and theologians in the late twelfth century and by careful analysis of papal letters, Clarke shows how Innocent was using these teachings in his actions against men such as King Philip II of France (1199) or King John of England (1208).

What we have in these papers is a more complete view of the attitudes and actions of the papacy on a variety of issues. Implicit in them is a simple acknowledgement of the restrictions on the scope of papal action. No pope was a free agent. Even had he wished to, Innocent was in no position to introduce new teaching on the Immaculate Conception: he would have had to revise contemporary medical thinking, something he was not inclined to do, either by training or by inclination. On usury, he may have wished to change policy, but as Moore puts it, ‘For all his plenitude of power he could not challenge the most influential intellectuals and moral reformers of his day’. Innocent’s pontificate was remarkable, but he was also a product of the society and intellectual world in which he lived and worked. His thinking on Interdicts likewise fits closely into contemporary

debates. As Duggan argues in a paper discussing an earlier pope, 'The pope was not a dictator, He was more like the chairman of a board . . .' Although their support did not guarantee success (most evident in use of the Interdict), the views of contemporary thinkers and in particular of the Cardinals were essential to the functioning of the papal office.

The second section of this volume follows this wider circle around the pope by moving from the papacy itself to relations between popes and the administrative bodies of the Church: curia and bishops. John Doran's paper highlights the role models devised by Innocent for himself and his bishops, a question of prime importance to the pope because of the large number of the latter whom he considered unskilled, 'dumb dogs without the strength to bark'.⁴ Doran reminds us of Kenneth Pennington's warning that papal letters were responses often written in the heat of the moment. Nonetheless he shows how they may be used to question the view that Innocent established the bishop as indissolubly the husband of his church. He argues the pope considered that his status as Vicar of Christ allowed him to choose whether to dissolve the bond between a bishop and his church. Doran draws our attention to the use of the title *apostolicus* for the pope as mediator between God and man and as the bridegroom of the universal Church, thus putting him in the position of Christ (the true bridegroom). In this context then, we find just how much the pope might claim: his distinctive status as a bishop was underlined, just as it was on the grille he had made for the confessional of St Peter's, where only the pope is portrayed wearing the pallium.⁵

Damian Smith takes this question of the role of bishops from the level of general policy to the specific case. He traces the chequered career of the bishops of La Seu d'Urgell in the Pyrenees from the late-twelfth century until the 1250s in an attempt to show 'what difference, if any, papal government made in a remote locality during troubled times'. The Albigensian crusade and the Inquisition, like the papal reform and the Reconquista, brought mixed blessings to La Seu d'Urgell. Conquests farther south drained people away

⁴ *Reg. Inn* VI, 46, 68, 81, 151.

⁵ Brenda M. Bolton, 'A Show with a Meaning: Innocent III's approach to the fourth lateran council, 1215', in *Medieval History*, 1 (1991), 53–67, reprinted in Bolton *Innocent III*, with illustrations.

yet the inquisition to the north brought an influx of much needed immigrants. Attempts at reforms of the church brought conflict between secular and ecclesiastical authorities. In the end though, the effectiveness of papal authority depended on the quality of the bishops. Although Innocent III and later Alexander IV (1254–1261) removed men who were not up to the task, such actions could not ultimately solve political and economic problems of long-standing in such a remote region. Once again, the message is of popes struggling against overwhelming odds.

Pascal Montaubin moves us back much closer to the curia, to an area where senior churchmen could ensure more effective control. He uses the career of a curial official to demonstrate the functioning of nepotism in the mid-thirteenth century. Niccolò di Anagni was the nephew of Innocent's relative, Cardinal Ugolino/pope Gregory IX (1227–1241). He was the only but illegitimate son of Gregory's brother. With the aid of dispensations he nevertheless rose to be papal *camerarius* under Alexander IV and enjoy benefices in England and France as well as his home territory around Anagni. His career demonstrates the overwhelming importance to the individual of family and acquaintances in establishing and maintaining rights and offices in the Church. At the same time Montaubin shows how these same networks might serve papal policies by providing reliable allies in the papal states bordering the Regno and trustworthy administrators in the papal court.

Another illustration of the importance of networking in the medieval Church is provided by Anne Duggan through the career of one of the most famous exiles of the twelfth century: Thomas Becket. As she argues, 'Becket's survival depended, more than anything else, on the maintenance of his position at the papal Curia'. As for Niccolò di Anagni a century later, diplomatic ties with either the English or the French king played a key role: Niccolò was to receive English benefices early in his career at least in part because his uncle, Ugolino/Gregory IX supported the English king; Becket was able to reside in France because of the opposition of the French king to the English Crown. Both Becket and Alexander III knew the value of friendship. Becket maintained links with some of the men he had known when a student at Bologna. But it was the networks in the curia which guaranteed support and the prospect of future success, a fact reflected in the extant Becket correspondence, much of which was with members of the curia. From the beginning of the crisis

Becket wrote continually to the pope and cardinals. Throughout his career the letters show the intimacy of his friendships. What they also show is that the pope's support depended on the aid of other members of the curia, what Duggan identifies as the 'Becket-friendly group': once again, the pope could not strike out alone.

Section three is a group of papers on the city of Rome. These expand our knowledge of the city as a built environment (Barclay Lloyd), a community (Twyman), and an idea (Sommerlechner), all issues which have interested Brenda on her many visits to Rome. Joan Barclay Lloyd presents a detailed study of the church and monastery of San Pancrazio, where in 1204 Innocent officiated at the coronation of king Pedro II of Aragon. She evokes the pomp of this occasion (something Innocent was to prove particularly good at again in 1215⁶) and then outlines the history of the church and monastery of S. Pancrazio in Rome, from their foundation until c. 1438. Barclay Lloyd's unique knowledge of the buildings of the city is here brought to bear in a careful account of the layout of the church and its monastic buildings. A combination of site surveys and early modern accounts allow her to trace the way they were changed by the religious communities that prayed and lived in them, including monks from 594 and Cistercian nuns from 1255 until 1438. By contrast Susan Twyman focuses on the activities of the *Romana fraternitas*, the fraternity of Roman clergy whose ceremonial role has long been recognised in the liturgical life of the city. Their main purpose was not however, as traditionally believed, the organising of urban stational liturgy. Rather, she argues, they were responsible for 'mobilising and organising the urban clergy on those rare occasions when they were required to act as a body'. It is a conclusion which opens the way to a consideration of the extent to which more worldly concerns—such as money (in the form of payments for participation)—were involved. After all ceremonial records were often combined with financial documents (as for instance in the *Liber Censuum*).

Finally in this section, Andrea Sommerlechner provides a comprehensive survey of perceptions of the city of Rome in the tradition of historical writing in the High Middle Ages. She surveys western chronicles of the eleventh to fourteenth centuries to illustrate the ways writers presented both the monuments and the built

⁶ Ibid.

environment. As well as the 'matter-of-fact use of Roman topography as the setting for the events described' or ideological use of the revived tradition of *Roma caput mundi*, she argues that the interspersing of fabulous tales from the *Mirabilia* tradition were as important as monuments themselves in conveying ideas of the city beyond Rome. Thus stories of Rome as a city of hidden treasures or magic statues competed with its reputation as the residence of popes and greedy Romans.

The papers in section four take us beyond the city of Rome to the wider Church. Patrick Zutshi links the two in a paper which approaches the early history of the Dominicans from the perspective of the papal chancery and its procedures. This allows him to demonstrate that far from misunderstanding the purpose of the Dominicans, as Tugwell has argued on the basis of an early standard privilege of confirmation, examination of *Gratiarum omnium largitori* issued by Honorius III (1217–1227) in 1217 and the close involvement of Dominic himself in the impetration of letters, underline the 'common aims of the papacy and the Dominicans' both during the saint's life (d. 1221) and throughout the pontificate of Honorius. This link is further emphasised by the early presence of proctors at the curia. Preliminary examination of the proctorial endorsements on letters issued in favour of the Dominicans leads Zutshi to propose that one of the proctors may have been William of Monferrato, one of the witnesses in the Bologna process for Dominic's canonization, where he describes himself as the future saint's principal 'socius'.

These revisions to the early history of relations between the Dominicans and the papacy provide a stark contrast with the experience of the Humiliati studied here by Maria Pia Alberzoni. Once sanctioned in 1216/17, the Dominicans obtained a very substantial number of letters from Honorius III and later popes. By contrast, while Innocent III certainly took a close interest in the Humiliati at the beginning of his pontificate, they received very little direct support from the papacy once they had been approved in 1201. This may be linked to a point made by Alberzoni on the key importance of superiors in promoting a new institution within the Church. Dominic, unlike either the Humiliati or Francis of Assisi, knew the importance of promoting his new order, and of impetrating letters at the curia. Dominic was well aware of the need for an appropriate hierarchy, whereas the Humiliati were slow to recognise this. Not

only were they bereft of a saintly founder, but also, Alberzoni argues, strong local autonomies left them with no institutional clarity until reforms were instigated in the late 1240s. She provides us with an important new edition of two of the rare letters issued to the Humiliati by Honorius III (December 1226) and makes the fascinating suggestion that the Humiliati's approach to Rome may have been facilitated by the presence of representatives of the cities in the Lombard League for negotiations with the curia. These letters and those of 1227, when Gregory IX imposed papal visitation on the order, show that only then did the Humiliati of the key house of the Brera finally replace their own *consuetudines* and *institutiones* so that 'all members of the Humiliati truly conformed to the legislation approved by Innocent III'.

The third and final paper in this section, by Louise Bourdua, approaches the question of the new orders of the late Middle Ages from a very different perspective, but one equally appropriate to a volume in honour of Brenda Bolton, whose love of visual evidence is plain in many of her articles. After a wide-ranging discussion of the representation of women in Franciscan art of the thirteenth and early fourteenth centuries, Bourdua examines the painter Guariento d'Arpo's apparently earliest signed work. A painted crucifix with a donor, Maria Bovolini, it is a rare example of lay female patronage in a Franciscan church. Bourdua's investigations show how research in the archives can disrupt art historians' convenient identifications. Since the late 1980s Maria Bovolini's will (here transcribed for the first time in print) has been used as a *terminus post quem* for the dating of Guariento's work on the basis that it mentions the crucifix. Yet the archives reveal not only that there were two women of this name, but also that the will makes no mention of the painting. Any assumptions about the date of Guariento's work must therefore depend on stylistic grounds alone.

The fifth and final section of this *Festschrift* again includes papers which underline the importance of careful work in the archives. Katherine L. Jansen uses a survey of notarial evidence from the Oltrarno in Florence to tackle debates about peacemaking and conflict resolution from the perspective of its workings in the daily lives of the citizens. Despite the fanfare associated with ecclesiastical peacemakers, she reminds us that it was not Churchmen but the commune and notaries which played the major role in keeping the peace. In a world where going to court was expensive, small-scale disputes

and violence could be and were dealt with by private agreement. A peace instrument contracted within a few days of the incident allowed the victim and the defendant to avoid the risk of vendetta or the expense and delay of a court case. As she points out, 'a private peace could be had within the week for the price of a ritual kiss and a notarial fee, set by statute at probably no more than five soldi.' No doubt some people still wanted their day in court, but these mechanisms draw our attention to the daily realities of living in Florence and how to cope when faced with a bloodied nose.

The paper by James M. Powell is a complementary piece to Jansen's, again exploring the themes of peacemaking and of the unifying quality of communal life. But whereas Jansen deals with the urban communal approach to curbing violence, Powell points to the importance of confraternities in countering factionalism and ties this to the iconography of frescoes in the aula diocesana in Bergamo. The confraternity of Santa Maria della Misericordia, founded by the bishop with Dominican assistance in 1265 (and also enjoying Franciscan support), included members of the main factions of the city. The *Misericordia* played a central role in urban life, a major distributor of charity and dedicated to healing political divisions in the city. It met in the Cathedral and Powell argues that the cycle of frescoes in the aula diocesana can be seen as a reflection of its devotional life. He suggests that it includes a portrayal of civic leaders and of the author of the rule of the confraternity holding a scroll, perhaps meant to be the rule itself. This was placed close to the episcopal throne. Thus, Powell argues, it reasserts the role of the bishop in the civic life of the city, just as this was asserted in the creation of the confraternity.

My own paper closes the volume. It is intended as a first exploration of a complex problem: why men who had made profession to the religious life were prepared to accept paid employment in the administration of cities. Using the case of Siena, where Cistercian monks and Humiliati brothers provided a substantial number of city treasurers from the 1250s to the 1340s, it argues that previous explanations, based on the trust attributed to religious, are insufficient since they focus only on the motivation of the urban elite. It notes instead that while office holding may often have been onerous, in return the religious community acquired opportunities to participate in public life. The widespread use of religious, both regular and penitent, reminds us that the communes were not secular. The religious

in them chose a separate form of life but remained part of the community. Further work on their kinship networks may well provide a more telling indication of the motivation of the religious involved. Just as the papers by Duggan and Montaubin illustrate the importance of networking to success in the wider ecclesiastical world, so the kin groups and patronage patterns of cities like Siena may have been key to ecclesiastical participation in government and administration.

These papers move in concentric circles, from the pope to the inner world of the curia, to the city of Rome and the outer circles of the church and the urban society surrounding it. Numerous threads join them together: the need for papal support and the limitations of that office or the importance of acquaintances and communities. Several of them are based on careful sifting in the archives, designed to contribute to broader theoretical debates or provide new editions and transcriptions. The contributors to this volume are linked in concentric circles of friendship and academic endeavour, at the heart of which stands the life and work of Brenda Bolton for whom we hope this volume will stand both as an appropriate tribute and an indication of our esteem.

PART ONE
INNOCENT III

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THE GROWLING OF THE LION AND THE HUMMING OF THE FLY: GREGORY THE GREAT AND INNOCENT III

Christoph Egger

It comes as no surprise that Innocent III, one of the outstanding papal figures of the Middle Ages, was deeply attached to the great late-antique pope Gregory I. In many of her contributions, to which we owe so many insights into Innocent III's biography, Brenda Bolton has emphasized this relationship.¹ In this paper I would like to add some details to this picture, which is nevertheless still far from complete. In doing so a twofold approach will be necessary. Innocent's personal dedication to Gregory's memory—the ways he himself used his great predecessor as a model for the shaping of both his personal life as a pope and his understanding of his papal office—must be distinguished from the papal role models developed in medieval historiography, especially in the tradition of papal biography as represented by the *Liber pontificalis*² and its later medieval continuations.³ Although both perspectives are related and therefore should not be separated, for reasons of space and time in this paper I will have to limit myself to the first perspective. In the following I will first discuss the evidence for Innocent's care for Gregory's tomb. I will then give some examples of textual parallels in the two popes' writings and will discuss some methodological problems linked to them. In a third section I will discuss the significance of Gregorian concepts of personal spiritual life for Innocent III's own reflection on himself. Finally I will explore the concern for pastoral care, especially for

¹ See, for example, Brenda Bolton, 'Signposts from the Past: Reflections on Innocent III's Providential Path', *Innocenzo III. Urbs et Orbis*, i, 21–55, at 50–4.

² Harald Zimmermann, *Das Papsttum im Mittelalter. Eine Papstgeschichte im Spiegel der Historiographie*, Uni-Taschenbücher, 1151 (Tübingen, 1981); Thomas F.X. Noble, 'A New Look at the *Liber Pontificalis*', *AHP*, 23 (1985), 347–358.

³ Agostino Paravicini Bagliani, 'La storiografia pontificia del secolo XIII. Prospettive di ricerca', *Römische Historische Mitteilungen*, 18 (1976), 45–54; idem, 'Le biografie papali duecentesche e il senso della storia', *Il senso della Storia nella cultura medievale italiana (1150–1350). Centro italiano di Studi di Storia e d'Arte Pistoia. 14. convegno, 14–17 maggio 1993* (Pistoia, 1995), 155–173.

preaching, which Gregory and Innocent shared and as evinced in an hitherto overlooked sermon, delivered by Innocent in praise of Gregory I and here edited for the first time.

I

An appropriate point to start is at Gregory's tomb. When Gregory I died on 12 March 604, he was, like many of his predecessors, buried outside St Peter's in front of the old vestry.⁴ Shortly after 827 Gregory IV (827–844) transferred his famous namesake's earthly remains to a nearby location in the church and dedicated a chapel to his memory. According to the *Liber pontificalis*, he did this because he was "inflamed by the fire of divine love",⁵ but a more down to earth reason can be guessed from sources according to which in 826 Gregory I's body had been stolen and, together with the corpses of SS Sebastian, Tiburtius and others, brought to St Médard at Soissons.⁶ Nothing is known about the extent to which this theft was successful and how much of Gregory's body was left in Rome; in any case, the new chapel inside St Peter's, which contained altars not only for

⁴ *LP*, i, 312: 'Qui mortuus est et sepultus in basilica beati Petri apostoli, ante secretarium, die XII mensis martii.' (for a translation into English see *The Book of Pontiffs [Liber Pontificalis]*, trans. Raymond Davis, Translated Texts for Historians, Latin Series, 5 [Liverpool, 1989], 61–2); Johannes Diaconus, *Sancti Gregorii Magni vita*, iv, 68, *PL*, 75, col. 221: 'Hujus praeterea venerabile corpus in extrema porticu basilicae beati Petri apostoli ante secretarium tunc antiquissimum, quo videlicet Leo, Simplicius, Gelasius, atque Symmachus, apostolicae sedis episcopi, cum nonnullis aliis tumulati, suis hactenus epitaphiis praedicantur, sepultum . . .' For Gregory's tomb see Michel Andrieu, 'La chapelle de Saint Grégoire dans l'ancienne basilique vaticane', *Rivista di archeologia cristiana*, 13 (1936), 61–99; Michael Borgolte, *Petrusnachfolge und Kaiserimitation. Die Grablegen der Päpste, ihre Genese und Traditionsbildung*, Veröffentlichungen des Max-Planck-Instituts für Geschichte, 95 (Göttingen, 1989), 76.

⁵ *LP*, ii, 74: 'Et quoniam tunc divino ignis amore succensus corpus beati Gregorii . . . ex loco sepultus quo prius fuerat tulit, et non longe ab eo in alium noviter constructum infra ecclesiam beati Petri apostoli summo honore perduxit . . .' (for a translation see *The Lives of the Ninth-Century Popes*, trans. Raymond Davis, Translated Texts for Historians, 20 [Liverpool, 1995], 51); see Johannes Diaconus, *Vita Gregorii*, iv, 80, *PL*, 75, col. 228.

⁶ Odilo, *Translatio S. Sebastiani*, c. 15, ed. Oswald Holder-Egger, *MGH SS*, 15/1 (Hanover, 1887), 384; Patrick J. Geary, *Furta Sacra. Thefts of Relics in the Central Middle Ages* (rev. edn, Princeton, 1990), 45–47; Julia M.H. Smith, 'Old Saints, New Cults: Roman Relics in Carolingian Francia', in *Early Medieval Rome and the Christian West. Essays in Honour of Donald A. Bullough*, ed. Julia M.H. Smith, The Medieval Mediterranean, 28 (Leiden, 2000), 317–339; Andrieu, 'La chapelle', 74–79.

Gregory I, but also for the other saints involved, Sebastian, Tiburtius and Gorgonius, was certainly a safer place to keep the valuable relics.⁷ Gregory IV already ordered the chapel to be used during the daily office⁸ and in later liturgical sources it is mentioned occasionally.⁹ A more prominent role was assigned to it and especially to St Gregory's altar during the ceremonies of the episcopal ordination of a newly elected pope¹⁰ and during imperial coronations¹¹ when it was used as a vestry for the future emperor.

It can therefore be assumed that the location was well known to Lothar of Segni, when he was elected pope Innocent III. As a canon of St Peter's he was obliged to participate in the saying of the daily office; as Cardinal deacon of SS. Sergio e Bacco he may well have been present at the coronation of emperor Henry VI on Easter Monday 1191,¹² and his episcopal ordination, which took place on 22 February 1198 in St Peter's very probably followed the rules as

⁷ *LP*, ii, 74: '... eiusque [Gregorii] sacrum altare argenteis tabulis undique perornavit, et oratorium suo sancto nomine titulavit, absidamque eius desuper aurato musibo depinxit. In quo scilicet oratorio sanctorum corpora beatorum martyrum Sebastiani, Gorgonii ac Tiburtii ex cymiteriis quibus ante iacebant perduxit, et unumquodque eorum separatis altaribus collocavit.' (*The Lives of the Ninth Century Popes*, 51). This text was repeated in the *Liber politicus* of canon Benedict of St Peter's, in *Le Liber censuum*, ii, 169, and in Petrus Mallius, *Descriptio*, c. 23, ed. 413.

⁸ *LP*, ii, 74: '... decrevit ut monachi, qui ad officium persolvendum in ecclesia beati Petri apostoli sunt constituti, omnibus diebus ibidem laudes omnipotenti Domino canere non desistant.' (*The Lives of the Ninth Century Popes*, 52).

⁹ For the night office of the third Sunday of Advent and of Epiphany see Benedict of St Peter's, *Liber politicus*, nos 8 and 27, *Le Liber censuum*, ii, 143 and 147; and the so called Ordo of Basel (late 12th c.), part of the text ed. in Bernhard Schimmelpfennig, *Die Zeremonienbücher der römischen Kurie im Mittelalter*, Bibliothek des Deutschen historischen Instituts in Rom, 49 (Tübingen, 1973), 371–2. If the liturgy of Maundy Thursday did not take place in the Lateran basilica but in St Peter's, part of the daily office was held in the chapel of St Gregory: *Le pontifical romain au moyen-âge ii: Le pontifical de la curie romaine au XIII^e siècle*, ed. Michel Andrieu, *Studi e testi*, 87 (Vatican City, 1940), 456, c. XLII, 5. For a survey of the papal ceremonial books see Susan Twyman, *Papal Ceremonial at Rome in the Twelfth Century*, Henry Bradshaw Society, Subsidia, 4 (Woodbridge, 2002), 23–40.

¹⁰ Ordo of Basel, part of the text edited in Bernhard Schimmelpfennig, 'Ein bisher unbekannter Text zur Wahl, Konsekration und Krönung des Papstes im 12. Jahrhundert', *AHP*, 6 (1968), 43–70, at 64 n. 4; *Pontifical de la curie romaine au XIII^e siècle*, ed. Andrieu, 371, c. 13B, 2.

¹¹ The chapel is mentioned in the so called *Ordo Cencius* ii, XIV, 18 and 22: 'Die Ordines für die Weihe und Krönung des Kaisers und der Kaiserin', ed. Reinhard Elze, *MGH Fontes iuris germanici antiqui*, 9 (Hanover, 1960), 40–41.

¹² It is not known which coronation ordo was followed on this occasion. For the coronation see Peter Csendes, *Heinrich VI* (Darmstadt, 1993), 93–98.

given by the papal ceremonial books. However, as all these events are more or less circumstantial, nothing can be guessed from them about Innocent's personal devotion to Gregory I.

The same may be the case for an incident which happened in early summer 1198. In a letter, a rather sceptical Innocent ordered Octavian, Cardinal bishop of Ostia, to consecrate several altars in the church of St Peter's, which, according to a revelation, which had occurred to an old priest in a dream, were *dissecratae*.¹³ Although the exact meaning of the word *dissecratus*—'not consecrated' or 'desecrated'—is not clear,¹⁴ the important point is that there had been doubts about whether some altars in St Peter's fulfilled the requirements of ecclesiastical order and ritual. Among these altars was St Gregory's. Nothing else is known about the affair; but it may have attracted Innocent's explicit attention to his predecessor's tomb and altar. It is therefore tempting to link the letter to a short notice in the *Catalogus pontificum Romanorum Viterbiensis*. This list of popes from the early eleventh century down to Honorius III was added, shortly after the death of pope Honorius III in 1227, to a partly autograph manuscript of the works of the twelfth-century historiographer Geoffrey of Viterbo (d. 1192/1200), probably at Viterbo. While for the popes before Innocent III the catalogue largely depends on other sources, the entries for Innocent and Honorius, which reflect a special interest in the basilica of St Peter's in Rome, provide information which so far has not been found elsewhere.¹⁵ Among this unique information is a rather laconic note, recording that Innocent 'in his time, elevated the body of St Gregory and honorably reburied it in the same saint's altar in the basilica of the Prince of the Apostles'.¹⁶ Nothing is said about the reasons for or circumstances of the elevation and no exact date is given.

¹³ *Reg. Inn.*, i, 359, ed. 540–41.

¹⁴ See Christopher R. Cheney, 'The Letters of Pope Innocent III', *Bulletin of the John Rylands Library*, 35 (1952), 23–43, reprinted in idem, *Medieval Texts and Studies* (Oxford, 1973), 16–38, who at 19 n. 2 opts for 'desecrated'.

¹⁵ *Catalogus pontificum Romanorum Viterbiensis*, ed. Georg Waitz, *MGH SS*, 22 (Hanover, 1872), 349–52, introduction at 349.

¹⁶ 'Tempore suo elevavit corpus beati Gregorii et onorifice in altare eiusdem beati recondidit in basilica principis apostolorum.' *ibid.*, 351, ll. 48–49. The text has hitherto been overlooked: The only authors mentioning it are Borgolte, *Petrusnachfolge*, 186–187 and Sible de Blaauw, *Cultus et Decor. Liturgia e architettura nella Roma tardo-antica e medievale*, Studi e testi, 355–56 (Vatican City, 1994), ii, 575.

As this information comes from a unique source, it can only be used with caution. Above all we need to establish whether the elevated saint was really Gregory the Great or if the *Catalogus* testifies to Innocent's devotion to one of the other papal saints of this name. Both Gregory II (715–731) and Gregory III (731–741) were buried in St Peter's and venerated as saints,¹⁷ but nothing is known about altars dedicated to them. They can therefore be ruled out as possible candidates for the elevation. Moreover, comparison with information available from other sources would be needed in order to ascertain the general trustworthiness of the notices given in the *Catalogus*. This task would far exceed the size of this article, so in the following I will concentrate on the information given about St Peter's alone.

The information in the *Catalogus* about Innocent's early life and his accession to the pontificate conform with what is known from other sources. The account of his activities as a pope begins with his gifts to St Peter's. In the third year of his pontificate, so we are told, Innocent presented to the altar of St Peter a 'pallium' worth more than 1000 silver marks and the third part of the offerings collected during services.¹⁸ He elevated the body of St Gregory and decorated the 'tribuna' in the said church with gold, gems and precious stones.¹⁹ The enumeration of the papal gifts to churches and monasteries is a common feature of papal historiography. An especially extensive list is given in the *Gesta Innocentii III*, written by an anonymous author who was very probably a member of the inner circle at the curia.²⁰ Among the first items in this list are several

¹⁷ Gregory II (feast 13 February), according to the *Liber pontificalis* was buried 'apud beatum Petrum apostolum . . . in porticu pontificum' (*LP*, i, 396; Petrus Mallius, *Descriptio*, c. 21, 348). Gregory III (feast 28 November) was buried in a chapel in St Peter's erected by himself in honor of the Saviour and Mary (*LP*, i, 417–18, 421); Petrus Mallius, *Descriptio*, c. 7–8, ed. 387–88; Borgolte, *Petrusnachfolge*, 102–107. Gregory VII can be left out here, because he was buried at Salerno and only canonized in 1605 by pope Paul V.

¹⁸ 'Tertio anno sue exaltationis optulit in altare beati Petri pallium unum valens plus quam mille marcarum argenti et tertiam partem oblation(um) ministeriorum.' *Catalogus*, 351, ll. 46–48.

¹⁹ '... et tribunam eiusdem basilice optime decoravit auro gemmisque et lapidibus adornavit.' *Ibid.*, 351 ll. 49–50.

²⁰ Recent bibliography includes Brenda Bolton, 'Too important to neglect: The Gesta Innocentii PP III', in *Church and Chronicle in the Middle Ages: Essays presented to John Taylor*, ed. G.A. Loud and I.N. Wood (London, 1991), 87–99, reprinted in eadem, *Innocent III*, no. IV; James M. Powell, 'Innocent III and Petrus Beneventanus.

gifts to and restoration work executed in St Peter's. The gifts include liturgical vestments and vessels, altar cloths and liturgical books. Although these items include some objects described as 'pannum', there is no 'pallium' worth a thousand marks of silver, as in the *Catalogus Viterbiensis*.

The author of the *Gesta* gives special emphasis to Innocent's dedication of the fourth part of the oblations received during all services and the right to produce and sell pilgrim badges.²¹ This entry can be confirmed from three documents. Only a few days after his coronation Innocent granted the canons of St Peter's 'another quarter' of the oblations delivered to the main altar of the basilica, so that they were now to receive half of the offerings.²² In another letter issued in the first year of his pontificate the pope conferred on them the right to produce and sell pilgrim badges and to grant licences for this business.²³ The third document, a solemn privilege dated 15 October 1205, confirmed the privileges granted by Innocent's predecessors and himself and conferred further rights and possessions.²⁴ The pilgrim badges and the offerings to the altar are explicitly mentioned,²⁵ together with the confirmation of the third part of

Reconstructing a Career at the Papal Curia', in *Pope Innocent III*, 51–62 (proposes Petrus Beneventanus as author); Giulia Barone, 'I Gesta Innocentii III: politica e cultura a Roma all'inizio del Duecento', in *Studi sul Medioevo per Girolamo Arnaldi*, ed. Giulia Barone, Lidia Capo e Stefano Gasparri, I libri di Viella, 24 (Roma, 2001), 1–23 (proposes Cardinal John of S. Maria in Cosmedin as author). For the gift list see Brenda Bolton, 'Qui fidelis est in minimo: The Importance of Innocent III's Gift List', in *Pope Innocent III*, 113–140.

²¹ 'Basilicae sancti Petri, quartam partem oblationum de omnibus ministeriis, potestatem insignia plumbea, vel stagnea faciendi, et proventus eorum...' *Gesta*, c. 145, *PL*, 214, cols CCIV–CCV.

²² *Reg. Inn.*, i, 296, ed. 417–19 (13 March 1198), esp. 418: '... ita ut deinceps medietatem omnium ministeriorum sine diminutione qualibet habeatis'. The first quarter was given by Eugenius III in 1153 (*JL* 9714). In addition Innocent granted the parochial rights of some nearby churches. See Christoph Egger, 'Papst Innocenz III. und die Veronica. Geschichte, Theologie, Liturgie und Seelsorge', in *The Holy Face and the Paradox of Representation. Papers from a Colloquium held at the Bibliotheca Hertziana, Rome and the Villa Spelman, Florence, 1996*, ed. Herbert L. Kessler and Gerhard Wolf, Villa Spelman Colloquia, 6 (Bologna, 1998), 181–203, at 187.

²³ *Reg. Inn.*, i, 534 (536), ed. 772–73 (18 January 1199), Bolton, 'Gift List', 123–24.

²⁴ Because this privilege was not copied into the papal registers it has been widely overlooked by modern scholars. It is extant in two authenticated copies in BAV, Archivio di S. Pietro, Caps. IV, Fasc. 259 nos 6 and 7 and printed in *Collectiones Bullarum Sacrosanctae Basilicae Vaticanae*, i (Rome, 1747), 83–86; Poth. 2592. I will be dealing with this document in more detail in an article to be published in *Römische Historische Mitteilungen*.

²⁵ *Ibid.* 86: 'Reditus et proventus de signis plumbeis sive stagneis tuam et coa-

all the offerings due to the Cardinal bishop of Porto on certain important feast days, first granted by Adrian IV in 1158.²⁶ The account of the *Gesta* and the extant documents match. The opposite is the case for the account of the *Catalogus Viterbiensis*, dating Innocent's gifts to the basilica to his third year. As far as we can tell no privilege in favour of St Peter's was issued in Innocent's third year, and indeed very probably no such privilege ever existed, because otherwise it would have been mentioned in the great privilege of 1205. Besides nothing is known about a donation of the third part of all the offerings collected during the services. Quite the opposite, this is in contradiction with the 'the second quarter' of the oblations dedicated in 1198 and confirmed in 1205.²⁷ The *Catalogus's* information about Innocent's gifts to St Peter's can therefore hardly be called accurate in detail; they are, however, accurate in general.

The same can be said with respect to Innocent's building activities in St Peter's. According to the *Catalogus* Innocent decorated the 'tribuna' of the church with gold, gems and precious stones.²⁸ The account in the *Gesta* does not mention the 'tribuna' but extensive restoration work which was carried out on the mosaics of the apse and the façade of the basilica.²⁹ In fact the sources are probably not contradictory but supplement each other. The word 'tribuna' means 'podium' or 'elevated platform' and, in a liturgical sense, the raised choir of a church. It is quite possible that not only the mosaic in the apse, but also the elevated area below it, where the main altar and the papal throne were situated, had been restructured and

postoli tui Pauli imagines praeferentibus, auctoritatem quoque fundendi ea vel quibus voluerint fusoribus concedendi, sicut ex nostra concessione noscuntur habere. Ad exemplar quoque praedecessorum nostrorum felicitis recordationis Eugenii, Adriani, Alexandri atque Clementis quartam partem omnium oblationum, que proveniunt de sacro altari tuo et tam de arca quam de omnibus ministeriis, et insuper alteram quartam omnium ministeriorum, quam nos eis duximus conferendam.'

²⁶ Ibid. 85–86. Adrian's privilege is *JL* 10387. The very interesting background to this privilege deserves further discussion for which there is no space here.

²⁷ Perhaps the author of the *Catalogus* (or his source) mixed up the information about Innocent's gift of a quarter of the offerings and his confirmation of the third part of offerings due to the Cardinal bishop of Porto.

²⁸ '... et tribunam eiusdem basilice optime decoravit auro gemmisque et lapidibus adornavit.' *Catalogus*, 351 ll. 49–50.

²⁹ *Gesta*, c. 145, *PL*, 214, col. CCV: 'Absidam ejusdem basilicae fecit decorari musivo, et in fronte ipsius basilicae fecit restaurari musivum quod erat ex parte magna consumptum.' For the extant fragments of the two mosaics see *Fragmenta Picta: Affreschi e mosaici staccati del Medioevo romano*, ed. Maria Andaloro, Alessandra Ghidoli, Antonio Iacobini, Serena Romano, and Alessandro Tomei (Rome, 1989).

restored. An architectural emphasis on the papal altar and throne would fit perfectly into the context of the programme of papal representation as expressed in the restored apse mosaic.³⁰ That the platform for the papal throne was indeed changed during Innocent's pontificate, is suggested by an entry in the *Ceremoniarum opusculum* of the sixteenth-century papal master of ceremonies Paris de Grassi, criticising pope Leo X for ordering the removal of three of the six steps to the platform of the papal throne, thus destroying the theological symbolism of the ensemble, which resembled the throne of Solomon as described in the Book of Chronicles (2 Chron. 9:17–19). Innocent III who, according to de Grassi, had the original six steps built, was well aware of this meaning.³¹

Again the account in the *Catalogus* is not wrong but so laconic that it is extremely difficult to interpret without supplementing information from other sources. For Innocent's successor Honorius III the *Catalogus* mentions the erection of a ciborium over the main altar of St Peter's,³² which is known from at least one other source.³³ Honorius's building activities in S. Lorenzo fuori le Mura and a gift of valuable chalices to the patriarchal churches in Rome are recorded not only in the *Catalogus* but also in several other chronicles³⁴ which thus support the reliability of the *Catalogus* as a source.

In conclusion it may be said that the information provided by the *Catalogus Viterbiensis* is generally accurate. Until new evidence comes

³⁰ For the ideological background of the mosaic see Richard Krautheimer, *Rome, Profile of a City, 312–1308* (Princeton, 1980), 205–6; idem, 'A Note on the Inscription in the Apse of St Peter's', *Dumbarton Oaks Papers*, 41 (1987), 317–20; and John Doran's paper in this volume.

³¹ The text is quoted in de Blaauw, *Cultus et Decor*, ii, 652–53 n. 217. For details may I again refer the reader to my forthcoming article (see above, n. 24).

³² 'In supradicta basilica beati Petri in opus Ciburrii [sic] optulit ducentas marcas argenti et ultra.' *Catalogus*, 352, ll. 26–27.

³³ De Blaauw, *Cultus et Decor*, ii, 648.

³⁴ 'Hic etiam ecclesiam sancti Laur(enti) foras muros innovavit sive restauravit. . . . Tres namque magnos calices fieri censuit, unumquemque pensantem 160 marcas argenti, dansque unum basilicae memoratae beati Petri, alterum vero ecclesiam sancte Marie maioris, tertium autem Lat(eranensi) ecclesie.' *Catalogus*, 352 ll. 24–25, 34–36. See *Catalogus pontificum et imperatorum Romanorum Casinensis*, second version, ed. G. Waitz, *MGH SS*, 22 (Hanover, 1872), 362–63; Martin of Troppau, *Chronicon pontificum et imperatorum*, ed. L. Weiland, *MGH SS*, 22 (Hanover, 1872), 439; *Chronicon pontificum et imperatorum ex codice veneto*, ed. L. Bethmann, *MGH SS*, 24 (Hanover, 1879), 115; *Gilberti chronicon pontificum et imperatorum Romanorum*, ed. O. Holder-Egger, *MGH SS*, 24 (Hanover, 1879), 135. More research is needed on the links and common sources of these texts.

to light it can therefore be assumed that Innocent indeed elevated Gregory's body and had it reburied in the altar dedicated to the saint. That the translation of the relics was related to the affair of the unconsecrated altars in St Peter's as mentioned in Innocent's mandate to the Cardinal bishop of Ostia is possible, but cannot be proven.

II

Beyond acts of devotion in a liturgical context, to which I will return at the end of this paper, are there other links between Gregory I and Innocent III? Among the many possible lines of enquiry one perspective seems especially rewarding. From the point of view of papal historiography Gregory I and Innocent III have a feature in common, in which they are indeed outstanding, compared with the other medieval popes. During their pontificates both were active writers. Numerous biographical sources honour this fact by giving lists of their writings³⁵ and medieval readers did so by avidly copying, collecting and using their books, as can be demonstrated by the sometimes impressive numbers of extant manuscripts.³⁶ But what about Innocent's attitude towards his predecessor's writings? Are there Gregorian concepts which were shared by Innocent, did Innocent use Gregorian writings as a source in his own texts?

The first thing to do is, of course, to search for textual parallels between texts of the two popes. Unfortunately this is not as easy as it might seem. In the following I will give some examples demon-

³⁵ For Gregory I see *LP*, i, 312: 'Hic exposuit omelias evangeliorum numero xl, Iob, Ezechielum, Pastorem et Dialogorum et multa alia quae enumerare non possumus' (*The Book of Pontiffs*, 61), for Innocent III, *Gesta*, c. 2, *PL*, 214, cols XVII–XVIII: '... super coetaneos suos tam in philosophica quam theologica disciplina profecit, sicut ejus opuscula manifestant, quae diversis temporibus edidit et dictavit. Fecit enim, ante pontificatum, libros De miseria conditionis humanae, et De missarum mysteriis, et De quadripartita specie nuptiarum; post pontificatum autem, libros Sermonum, [et postillam super septem psalmos], Epistolarum, Regestorum, et Decretalium ...'.

³⁶ For Gregory see Robert Gillet, 'Grégoire le Grand (saint)', *Dictionnaire de Spiritualité*, vi (Paris 1967), cols 872–910 and the *Clavis Patrum Latinorum*, 3rd edn (Turnhout, 1995), 552–9; for Innocent, Christoph Egger, 'Papst Innocenz III., De missarum mysteriis. Studien und Vorarbeiten zu einer kritischen Edition. Mit besonderer Berücksichtigung der schriftstellerischen Persönlichkeit des Papstes', unpublished doctoral thesis, University of Vienna (Vienna, 1996).

strating that even explicit references to Gregory I are not necessarily proof of Innocent's close reading of his works and that it cannot be taken for granted that every quotation of a Gregorian text was taken directly from a Gregorian book.³⁷

Throughout the Middle Ages Gregory I was extremely popular as an author and highly authoritative as a pope. His writings were therefore excerpted, abbreviated and used as quarries for theological and canon law collections. This process started when Gregory was still alive, with a digest compiled from the pope's writings by the papal notary Paterius. The *Moralia in Job* in particular attracted continuing interest which resulted in a very great number of abbreviations and collections of excerpts.³⁸ Both Gratian's *Decretum* and the *Glossa Ordinaria* to the Bible include many texts taken from Gregory's writings or attributed to him.³⁹ Besides, every cleric came into frequent contact with Gregorian texts when reading the daily office, which included many readings taken from the sermons and other writings of Gregory.⁴⁰ Some of Gregory's teaching became general knowledge, used and transmitted like proverbs but which had almost completely lost the link to its origins.

³⁷ It should be emphasized that no complete list of Gregorian quotations in Innocent's writings is intended in this paper. Besides, for Innocent's letters the question of authorship is still unresolved. It cannot be taken for granted that all letters issued under his name were actually authored by him; the contribution of the papal chancery is not known. See Cheney, 'The Letters of Pope Innocent III', 27–33; Wilhelm Imkamp, *Das Kirchenbild Innocenz' III. (1198–1216)*, Pápste und Papsttum, 22 (Stuttgart, 1983), 87–89; Christoph Egger, 'A Theologian at Work: some remarks on methods and sources in Innocent III's writings', in *Pope Innocent III*, 25–33, at 27–28.

³⁸ René Wasselynck, 'Les compilations des "Moralia in Job" du VII^e au XII^e siècle', *Recherches de théologie ancienne et médiévale*, 29 (1962), 5–32.

³⁹ For the *Decretum* see Charles Munier, *Les sources patristiques du droit de l'Église du VIII^e au XIII^e siècle* (Mulhouse, 1957); Jean Werckmeister, 'The Reception of the Church Fathers in Canon Law', in *The Reception of the Church Fathers in the West. From the Carolingians to the Maurists*, ed. Irena Backhus (Leiden/New York/Cologne, 1997), ii, 50–81, at 65–75; for the *Glossa Ordinaria* E. Anne Matter, 'Gregory the Great in the Twelfth Century: The *Glossa Ordinaria*', in *Gregory the Great. A Symposium*, ed. John C. Cavadini, Notre Dame Studies in Theology, 2 (Notre Dame, 1995), 216–226.

⁴⁰ Reginald Grégoire, *Les homéliaires du moyen âge. Inventaire et analyse des manuscrits, Rerum ecclesiasticarum documenta. Series maior*, 6 (Rome, 1966); for the ordinal of the papal court, compiled under Innocent III, see Stephen J.P. Van Dijk, *The Ordinal of the Papal Court from Innocent III to Boniface VIII and Related Documents*, Spicilegium Friburgense, 22 (Fribourg, 1975).

One such example can be found in Innocent's first sermon for Christmas.⁴¹ According to the pope there are four reasons why the divine word became flesh, the first of which is the humiliation of the arrogant. By becoming man Christ humiliated himself, thus giving an example to fight the vice of arrogance by the virtue of humility, because a thing is best healed by the use of its opposite.⁴² Very probably Innocent was not aware that by using the saying 'contraria contrariis curantur' he was quoting a sentence which, although it can be traced back far beyond Gregory the Great, became popular through his works. By Innocent's times the saying had become something like a theological axiom, important both in christology and pastoral theology (as well as in medicine).⁴³ The same may be the case for the sentence 'Abel esse renuit, quem Chaym non exercet et David, quem bella non vicerant, otium superavit' ('It would not be Abel if he was not tempted by Cain, and David who was not defeated by war, was overpowered by idleness'), found in a letter sent in 1205 to the papal legate against the Albigensian heretics in the south of France, Peter of Castelnau.⁴⁴ The letter is a reply to the legate's complaints about the frustratingly small success of his legation and his requests to return to his former life as a Cistercian monk. Peter is warned that, though the contemplative life is more agreeable than the active, its safety exposes the monk to the dangers

⁴¹ *Sermo I de sanctis: In nativitate domini I, PL*, 217, cols 451–456.

⁴² 'Vitium quippe superbiae, per humilitatis virtutem oportuit expiari; quia contraria contrariis curantur: ut quantum fuit superbiae vitium, tanta foret virtus humilitatis.' *Ibid.*, col. 453.

⁴³ Gregory I, *Moralia in Iob*, xxiv, 2, ed. Marc Adriaen, 3 vols, *CCSL*, 143–143B (Turnhout, 1979–85), iii, 1189, ll. 9–10: 'Mos medicinae est ut aliquando similia similibus, aliquando contraria contrariis curet.' See Artur M. Landgraf, *Dogmengeschichte der Frühscholastik*, 8 vols (Regensburg, 1952–1956), ii/1, 270–274; Jean Longère, *Oeuvres oratoires de Maîtres parisiens au XII^e siècle. Étude historique et doctrinale*, Collection d'études augustinienes. Moyen âge et temps modernes, 4–5 (Paris, 1975), i, 307, 329, 350. The Gregorian texts quoted by Longère (*Regula Pastoralis*, iii, 36–37, ed. Bruno Judic, Floribert Rommel, Charles Morel, 2 vols, Sources Chrétiennes, 381–382 [Paris, 1992], ii, 518–24; *Homiliae xl in Evangelia*, ii, 32, 1, ed. Raymond Étaix, *CCSL*, 141 [Turnhout, 1985], 278–79), do not contain verbal quotations of the sentence. Alan of Lille in his *Summa de arte praedicatoria*, c. 32 (*PL*, 210, col. 174) and his *Liber poenitentialis*, ii, 7 knew that he was quoting from Gregory: 'Nam ut testatur Gregorius contrariis contraria curantur...' Alain de Lille, *Liber poenitentialis*, ed. Jean Longère, *Analecta Mediaevalia Namurcensia*, 17–18 (Louvain/Lille, 1965), ii, 50.

⁴⁴ *Reg. Inn.*, vii, 210, ed. 370–71, at 371, ll. 8–9.

of idleness—‘otium’. Being continuously confronted with the evil forces and adversities of the world, on the contrary, strengthens the virtues and thus the ability to cope with the temptations of everyday life, as can be seen from the examples of Abel—who sustained the malice of his brother Cain, including being killed by him, but remained virtuous—and king David, who in a period of peace and idleness committed adultery with Bathsheba, the wife of one of his military leaders (2 Kgs. [2 Sam.] 11). The part of the sentence dealing with Abel and Cain can easily be traced back to Gregory’s *Moralia in Job*⁴⁵ and to his Sermons on the Gospel.⁴⁶ In the Middle Ages the phrase became rather popular and was available from many other sources, including Gratian’s *Decretum*.⁴⁷ It cannot therefore be stated with certainty that the *Moralia* had been Innocent’s direct source. It is even more difficult to find a source for the statement about king David’s adultery. In all probability this phrase is not from Gregory I. It occurs in slightly different wording in Peter the Lombard’s commentary on Psalm 50⁴⁸ and in the *Glossa Ordinaria* to the same Psalm.⁴⁹ This is no coincidence because Psalm 50 is David’s prayer of repentance after having been rebuked by the prophet Nathan for his deeds. However, if Innocent did not invent the exact wording of the phrase and its combination with the quotation from Gregory’s *Moralia* himself (which is quite possible), its ultimate source is still unknown.⁵⁰

An explicit reference to a Gregorian work can be found in Innocent’s *De quadripartita specie nuptiarum*. However, while it is likely that this reference implies a direct use of the source, there is no verbal quotation from the text. At the end of the *De quadripartita specie nuptiarum*

⁴⁵ Gregory I, *Moralia in Iob*, xx, 39, 19, ed. ii, 1059: ‘Abel quippe esse renuit, quem Cain malitia non exercet’.

⁴⁶ Gregory I, *Homiliae in Evangelia*, ii, 38, 7, ed. 365. Innocent explicitly refers to this homily in his *De quadripartita specie nuptiarum*, see below, n. 52.

⁴⁷ *Decretum*, C. 7, q. 1, *dictum post* c. 48 § 3; C. 23, q. 4, c. 15.

⁴⁸ Petrus Lombardus, Commentary on Ps. 50:1–2, *PL*, 191, col. 483: ‘Vicit pax prosperitatis, quem bella non vicerunt. David autem hic apponitur in exemplum non cadendi, non prosperitatis otia affectandi, sed si cecideris resurgendi.’

⁴⁹ *Glossa Ordinaria*, ad Ps. 50:2, v. ‘intravit’, reprint of the edition of Adolph Rusch, Strasbourg 1480/81 (Turnhout, 1992), ii, 515: ‘vicit pax quem bella non vicerant.’

⁵⁰ For an outline of the ideas about the dangers of idleness current in the higher Middle Ages see Brian Stock, ‘Activity, contemplation, work and leisure between the eleventh and the thirteenth centuries’, in *Arbeit, Muße, Meditation. Betrachtungen zur Vita activa und Vita contemplativa*, ed. Brian Vickers (Zürich, 1985, 2nd edn. 1991), 87–108.

Innocent describes the banquet celebrated on the occasion of the wedding between Christ and the Church. As this wedding was performed in the celebration of the Eucharist, its description consists of an extensive allegorical explanation of this sacrament.⁵¹ For the guests invited to the banquet Innocent pointed to the parable of the wedding banquet (Matth. 22:1–14), a text which had been so splendidly and diligently interpreted in St Gregory's homily on this Gospel reading, that he did not dare to change or add anything but simply referred the reader to this text.⁵² If Innocent did not know the homily from personal study, he must have known the text from the daily office as, according to the ordinal of the papal chapel, Gregory's homily on this passage was read on the nineteenth Sunday after Whitsun.⁵³

A feature undoubtedly shared by Gregory I and Innocent III was a particular concern for pastoral care. Gregory's *Regula Pastoralis* was one of the first points of reference for medieval pastoral theology, and in this respect Innocent is no exception to the rule. But again, it is often difficult to prove that the *Regula Pastoralis* was used directly. This is also the case for Innocent's famous statement, that the care of the souls is to be deemed the art of all arts: 'ars artium est cura animarum'. It can be found in a papal letter of 1206, sent to the newly elected archbishop of Trondheim⁵⁴ and was used again in the constitutions of the Fourth Lateran council.⁵⁵ The sentence can be traced back to the Greek theologian Gregory of Nazianzus,⁵⁶ but to

⁵¹ Innocent III, *De quadripartita specie nuptiarum*, PL, 217, cols 945–48.

⁵² Ibid., col. 947: 'Parabolam istam Beatus Gregorius tam diligenter, et evidenter exposuit, ut non solum superfluum, sed et temerarium sit post illum quidquam addere, vel mutare.'

⁵³ Van Dijk, *Ordinal*, 338–39. The homily is Gregory I, *Homiliae in Evangelia*, ii, 38, ed. 359–78. A sentence from this homily was quoted above, n. 46.

⁵⁴ 'Memento quod est ars artium regimen animarum.' *Reg. Im.*, viii, 215 (214), ed. 373–376, at 376, ll. 13–14. The phrase already appears in a papal letter included in the letter-collection of William abbot of Roskilde: *Diplomatarium Danicum*, i/3, ed C.A. Christensen, Herluf Nielsen and Lauritz Weibull (Copenhagen, 1976–77), 446–7: 'Ut beatus dicit Gregorius, ars est artium regimen animarum.' The letter is ascribed to Innocent's early pontificate, but I am reluctant to accept it as authentic.

⁵⁵ 'Cum sit ars artium regimen animarum, districte precipimus ut episcopi promouendos in sacerdotes diligenter instruant et informent . . .', *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*, c. 27, ed. Antonio García y García, *Monumenta Iuris canonici*, A 2 (Vatican City, 1981), 72.

⁵⁶ In the latin Middle Ages his works were known through a translation by Rufinus: *Oratio* i, 16 (known as 'Apologeticus'), ed. August Engelbrecht, *CSEL*, 46 (Vienna/Leipzig, 1910), 18, ll. 17–20: 'Re enim vera mihi videtur esse ars artium

the Latin west it was best known from Gregory the Great's 'Regula Pastoralis'.⁵⁷ Whether Innocent was aware that he was quoting Gregory or whether he was simply using a popular saying, is probably impossible to decide.

A direct borrowing from Gregory seems to be more likely in the case of a letter sent in 1205 to the Cardinal and recently appointed archbishop of Rheims, Guy. In this letter, conferring on Guy the right to impose the necessary reforms on churches and monasteries in his ecclesiastical province, a whole paragraph from the second book of the 'Regula Pastoralis' was transformed into the arenga:

Gregory I, *Regula Pastoralis*, ii, 7⁵⁸

Innocent III, Ep. viii, 12⁵⁹

Sit rector internorum curam in exteriorum occupatione non minuens, exteriorum providentiam in internorum sollicitudine non relinquens; ne aut exterioribus deditus ab intimis corruat, aut solis interioribus occupatus, quae foris debet proximis non impendat.

Talis debet esse sollicitudo rectoris, ut providentiam internorum in exteriorum occupatione non minuat et exteriorum curam internorum sollicitudine non relinquat sicque sollerter invigilet, ut foris aliis necessariam utilitatem impendens interius utilem sibi necessitatem observet.

The Ruler should not relax his care for the things that are within in his occupation with the things that are without, nor neglect to provide for the things that are without in his solicitude for the things that are within; lest either, given up to the things that are without, he fall away from his inmost concerns, or, occupied only with the things that are within, bestow not on his neighbours outside himself what he owes them.

The ruler's care should be such that he does not relax his provision for the things that are within when he is occupied by what is without and that he does not neglect his care for what is without in his solicitude for the things that are within; and so he should be well aware that, while he gives necessary care to others that are without, he does observe useful necessity to what is within.

et disciplina disciplinarum hominem vel regere vel inbuere, qui certe est inter omnes animantes maxime et moribus varius et voluntate diversus.⁷

⁵⁷ 'Nulla ars doceri praesumitur, nisi intenta prius meditatione discatur. Ab imperitis ergo pastorale magisterium qua temeritate suscipitur, quando ars est artium regimen animarum.' *Regula pastoralis*, i, 1, ed. i, 128. Longère, *Oeuvres oratoires*, ii, 288, n. 39.

⁵⁸ Gregory, *Regula Pastoralis*, ii, 7, ed. i, 218, ll. 4–8. The translation is adapted from the Early Church Fathers Collection, http://www.ccel.org/fathers2/NPNF2-12/Npnf2-12-224.htm#P4323_1134789 [18.12.2003].

⁵⁹ *Reg. Inn.*, viii, 12, ed. 25–26, at 25, ll. 22–25.

Though the contents is clearly recognizable, the wording has been changed considerably, thus providing an excellent example of the work of the papal chancery, which transformed the phrasing of Gregory's text into the style used in papal letters.⁶⁰ Unfortunately Innocent's part in this process—if indeed he took part in it—is not known.⁶¹

III

Probably more telling than verbal parallels are parallel concepts, ways of perception and ideas, which occasionally might even develop into role models. Obviously a towering figure like pope Gregory I was most appropriate as a role model for later holders of the same office.⁶² It is therefore interesting to study the ways Innocent III used Gregorian language to describe a problem well known to all holders of high and influential offices, a problem that for a cleric and a spiritual man could easily turn into a question of almost existential importance.

Already shortly after his election Gregory the Great complained about the huge burden of secular business which threatened to overwhelm him and diverted his thoughts from what really mattered.⁶³ Gregory is describing a real loss, because contrary to the usual

⁶⁰ For the 'Arenga', a general introduction to a letter or charter in often rhetorical style, see Heinrich Fichtenau, *Arenga. Spätantike und Mittelalter im Spiegel von Urkundenformeln*, MIOG Ergänzungsband, 18 (Graz/Cologne, 1957).

⁶¹ See above, n. 37.

⁶² John Doran, 'In Whose Footsteps? The Role Models of Innocent III', in *Innocenzo III. Urbs et Orbis*, i, 56–73.

⁶³ Letter to Theoctista, sister of emperor Maurice: 'Vndique causarum fluctibus quatuor ac tempestatibus deprimor, ita ut recte dicam: Veni in altitudinem maris et tempestas demersit me (Ps. 68:3). Redire post causas ad cor desidero, sed uanis ab eo cogitationum tumultibus exclusus redire non possum...' Gregory I, *Registrum Epistularum*, i, 5, ed. Dag Norberg, 2 vols, *CCSL*, 140–140A (Turnhout, 1982), i, 5–7, at 6, ll. 24–27. Very similar phrases can be found in letters i, 7 (ibid. i, 9, ll. 12–14), i, 25 (ibid. i, 33, ll. 14–16) and i, 41 (ibid. 47, ll. 8–11). The Gregorian phrasing is used in the letter announcing pope Celestine II's election to Peter the Venerable and the monks of Cluny (6 November 1143, *JL* 8435, *PL*, 179, cols 766–67); see Christoph Egger, 'Päpstliche Wahldekrete und Wahlanzeigen-Formen mittelalterlicher Propaganda?', in *Propaganda, Kommunikation und Öffentlichkeit im Spätmittelalter*, ed. Karel Hruza, *Forschungen zur Geschichte des Mittelalters*, 6 = Österreichische Akademie der Wissenschaften, phil.-hist. Klasse, Denkschriften, 307 (Vienna, 2002), 89–125, at 106.

curriculum of ascent from the active to the contemplative life, he was a contemplative first and was later forced into the active life. While as a monk he was enjoying the embraces of beautiful Rachel and sitting with Mary at the feet of Christ, he had now to be content with tender eyed Leah and to be careful and troubled about many things with Martha. The biblical images used by Gregory are standard metaphors for the contemplative and the active life.⁶⁴ Gregory, however, adds advice on how to cope with the situation. In everyday business it is essential to concentrate, because a soul divided between many things becomes less attentive to single problems.⁶⁵ Gregory's situation became even worse, when in 593 the city of Rome was besieged by the Lombards under king Agilulf. The pressure upon him became so heavy that he abandoned the writing of his homilies on the prophet Ezechiel.⁶⁶ In the preface to the second part of this work he again describes his situation, pointing out that the multiplicity of pressing secular business and duties caused by the Lombard siege made it almost impossible to concentrate on the explanation of the mystical meaning of a text as difficult as Ezechiel. The more Gregory is occupied by secular matters the less he is able to focus on heavenly things. Duties and obligations are leading him away from his inner self, they are separating him from what he really is.⁶⁷ To describe this situation, Gregory uses the image of a

⁶⁴ Gregory I, *Registrum Epistularum*, i, 5, ed. 6. Rachel and Leah are in Gen. 29–30, Mary and Martha in Luke 10:38–42. See Kurt Ruh, *Geschichte der abendländischen Mystik*, 4 vols (München, 1990–1999), i, 157–163, and n. 50. For Innocent III's uses of the image see Fiona Robb, "Who hath chosen the better part? (Luke 10,42)" Pope Innocent III and Joachim of Fiore on the diverse forms of religious life', in *Monastic Studies. The continuity of tradition*, ii, ed. Judith Loades (Bangor, 1990), 157–170.

⁶⁵ 'Cumque animus diuiditur ad multa, fit minor ad singula, tantoque ei in una qualibet re subripitur, quanto latius in multis occupatur.' Gregory I, *Dialogi*, i, 4, 19, ed. and trans. Adalbert de Vogüé and Paul Antin, 3 vols, Sources chrétiennes, 251, 260, 265 (Paris, 1978–1980), ii, 56, ll. 231–33. A similar statement, explicitly linked to the story of Martha and Mary, is to be found in Gregory's *Expositio in librum primum regum*, v, 180, ed. Patrick Verbraken, *CCSL*, 144 (Turnhout, 1963), 531–2.

⁶⁶ Johannes Diaconus, *Vita Gregorii*, iv, 67, *PL*, 75, col. 217; Gregory I, *Homiliae in Hiezechielem prophetam*, ii, 10, 24, ed. Marc Adriaen, *CCSL*, 142 (Turnhout, 1971), 397–8; Robert A. Markus, *Gregory the Great and His World* (Cambridge, 1997), 102–3.

⁶⁷ 'Quanto enim circa terrena plus satagit, tanto in his quae sunt caelestia minus uidet; pro eo quod curis suis extra se ducitur, ualde intus minor est, quia, sicut scriptum est: Deprimit terrena inhabitatio sensum multa cogitantem (Sap. 9: 15)' Gregory, *Homiliae in Hiezechielem*, ii, Praefatio, ed. 205, ll. 14–18.

stream which, when split up into many rivers, will dry out.⁶⁸ Being cut off from the personal resources which can be accessed through the contemplative life was one of Gregory's worst fears, expressed frequently in Gregorian texts⁶⁹—and was shared by his successor Innocent III.

Four months after his election Innocent III wrote a letter to the abbots of Cîteaux, Clairvaux, Prémontré and St Victor in Paris, asking them to increase their efforts of prayer for the pope. These prayers were all the more urgently needed as Innocent was well aware of the gap between his personal abilities and the immense demands of the papal office.⁷⁰ More letters asking for prayer were to follow, both to individuals and to monastic orders.⁷¹ However, these letters are in the formal language and style of papal documents. A more immediate access to Innocent's personal view is available in his theological writings, and though, unlike Gregory I, he was never under siege in Rome, these texts show similar sentiments. In the letter which accompanied the collection of Innocent's sermons the pope gives a description of his personal situation. Because of many pressing duties he gives less time and attention to preaching than he should. The multitude of different matters he has to deal with prevents him from giving single issues the attention they would merit: 'I am impeded by the occurrence of so many cases and bound by the strings of so much business, that it is unavoidable that he whose attention is divided between many details, becomes less attentive to every detail'.⁷² The wording strongly resembles Gregory's

⁶⁸ 'Scimus autem, scimus omnes, quia et fluius qui in multis riuus diuiditur, a suo alueo siccatur.' Ibid., 205 ll. 19–21.

⁶⁹ Johannes Diaconus, *Vita Gregorii*, iv, 67, *PL*, 75, cols 217–21 quotes examples.

⁷⁰ 'Cumque suscepti regiminis onus, quod est debilibus nostris humeris importabile, cogitamus, illud propheticum nobis posse credimus coaptari: Veni in altitudinem maris et tempestas demersit me (Ps. 68:3).' *Reg. Inn.*, i, 176, ed. 262–3, at 262, ll. 25–7. Gregory used the same biblical reference in his letter quoted above, n. 63.

⁷¹ For instance *Reg. Inn.*, i, 358, ed. 538–40; v, 120 (121), ed. 234–39, at 239, ll. 13–4; ix, 119, *PL*, 215, cols 940–41; Letter to archbishop Imbert of Arles (23 December 1198), *Gallia christiana novissima*, iii (Valence, 1900), col. 279–80, no. 728.

⁷² Innocent III, *Sermones*, Prologus, *PL*, 217, p. 311: 'tot sum causarum impeditus incursibus, tot negotiorum nexibus irretitus, ut necesse sit divisum ad singula minorem in singulis inveniri.' Almost the same words can be found in the *Libelli conclusio* of the *De missarum mysteriis*, *PL*, 217, col. 914: 'Presertim cum ex officio, tot causarum sim impeditus incursibus, tot negotiorum nexibus irretitus, ut infra breve temporis spatium, nec ad meditandum otium nec ad dictandum quiverim nancisci quietem. Et quidem minor in singulis, divisus ad singula vix potui meditata dictare, nedum meditanda concipere'.

language, and so does the fear, expressed by Innocent, that because of the intense occupation with other issues, which leaves no time for contemplation, he might be alienated from himself.⁷³ In slightly different wording this serious spiritual danger is described in the prologue to the *Commentarium in septem psalmos poenitentiales*. Here Innocent says that he has undertaken the task of writing the commentary in order to call and guide his mind back to himself 'in order not to be divided and alienated from himself'.⁷⁴ The ultimate consequence of self-alienation is the loss of the divine likeness which God had implanted into all human beings. The metaphor used for this loss is inspired by a phrase from the parable of the prodigal son, who leaves his father's house and travels 'in regionem longinquam'—to a far country (Luke 15:13). In a sermon composed for the feast of St Peter's Chains Innocent explicitly links the alienation of the self to the 'regio longinqua': 'When the soul is distracted by mundane occupations and secular business, then man is alienated from himself, as if leaving for a far country and not being led back to the consideration of God and the meditation of himself'.⁷⁵ The greatness of this spiritual danger becomes evident through a synonym often used for 'regio longinqua'. In a letter ordering the bishop of Cavaillon, the abbot of Cluny and a Carthusian prior to enquire into the immoral deeds of the clergy of the diocese of Mâcon, Innocent compares sinful life with the behavior of animals. These, unlike men, were not created in God's image and likeness. The sinner discards this image and likeness, he goes away to the 'region of unlikeness'—'abiit in regionem dissimilitudinis'⁷⁶—and renders him-

⁷³ *Sermones*, Prologus, *PL*, 217, p. 311: 'Contemplari quidem non sinor, sed nec respirare permitto; sic traditus aliis, ut pene penitus mihi videar esse subtractus.'

⁷⁴ *Commentarium in septem psalmos poenitentiales*, Prologus, *PL*, 217, col. 967: 'Ne inter occupationes multiplices et sollicitudines vehementes, quas non solum ex cura regiminis, verum etiam ex malitia temporis patior ultra vires quasi totus absorbear a profundo: libenter aliquas horulas mihi furor, quibus ad revocandum et reducendum spiritum ad seipsum, ne a seipso dividatur et alienetur omnino, . . . ne semper sic sim traditus aliis, ut numquam restituar ipse mihi'. The commentary was written in Innocent's last year of life; see Imkamp, *Kirchenbild*, 67–71; Egger, 'Papst Innocenz III.', 140–48.

⁷⁵ *Sermo xxiv de sanctis: In festo beati Petri ad vincula*, *PL*, 217, col. 565: 'Cum vero anima distrahitur per occupationes humanas mundanas, et distenditur per sollicitudines seculares, tunc alienatus est [homo] a se, tanquam abiens in regionem longinquam, cum non reducit ad cogitandum de Deo, et meditandum de se . . .'

⁷⁶ This famous expression which can be traced back to Plato and Plotinus, entered into Christian thought through Augustine's *Confessions* and became common in the

self equal to irrational brutes.⁷⁷ Although the ultimate consequence is the same, the process of alienation through pertinacious sinning is different from alienation resulting from abundant secular occupations. Of course, however, political business and sinful behavior are often closely related. Innocent was well aware of the moral dangers inherent in political activities. In the prologue to the commentary to the penitential psalms he quotes the saying from Jesus Sirach, that 'He that toucheth pitch shall be defiled therewith' (Sir. 13:1) and links it with the guilt often incurred in secular occupations.⁷⁸ It is very interesting indeed, that the author of the *Gesta Innocentii*, who wrote at some time around 1208, identifies this quotation from Jesus Sirach as a saying frequently used by Innocent.⁷⁹ Remarkably, in this case Innocent's own text and the testimony of the author of the *Gesta* match. It seems that here we catch a glimpse of Innocent himself.

It might be argued that prologues and similar texts are highly topical and therefore should not be taken as accounts of a person's spiritual situation. To a certain extent this is probably true. Phrases similar to the ones used by Gregory and Innocent can be found in many other medieval treatises.⁸⁰ But even if a topos does not tell us anything about the real thoughts of an author, Innocent's use of a Gregorian topos shows that the latter had chosen Gregory as a role model, as a means to describe and understand his own office and situation. And Innocent did not leave it at that, but adapted the

twelfth century. For details and bibliography see Gervais Dumeige, 'Dissemblance (Regio dissimilitudinis)', in *Dictionnaire de Spiritualité*, iii (Paris, 1957), cols 1330–46.

⁷⁷ *Reg. Inn.*, vi, 172 (174), ed. 286–88, at 287, ll. 7–10: 'Verum quidam eorum . . . quod sint homines non agnoscunt, abeuntes in dissimilitudinis regionem, comparati iumentis insipientibus (Ps. 48:13, 21), dum computrescunt in stercore suo (Joel 1:17)'. See Christoph Egger, 'Dignitas und Miseria. Überlegungen zu Menschenbild und Selbstverständnis Papst Innocenz III.', *MIÖG*, 105 (1997), 330–345, at 342–345.

⁷⁸ *Commentarium*, Prologus, *PL*, 217, col. 969: 'Quia vero sicut qui tetigerit picem inquinabitur ab ea, sic de occupationibus et sollicitudinibus huius seculi grandis sepe culpa contrahitur'.

⁷⁹ *Gesta*, ch. 17–8, *PL*, 214, col. XXX: Innocent felt especially burdened by the care for the papal state, 'Unde sepe dicebat: Qui tangit picem, coinquatur ab ea, maxime, quia labor erat magnus et fructus parvus et propter excrescentem malitiam homines non poterant facile coerceri. Ceterum quo amplius cupiebat a secularibus negotiis expediri, eo magis est mundanis curis amplexus . . .'

⁸⁰ In the Middle Ages the phrase 'Cumque animus dividitur ad multa, fit minor ad singula' used by Gregory I in the *Dialogi* (see above, n. 65) was used like a proverb. See Hans Walther, *Proverbia sententiaeque latinitatis mediæ ævi*, 5 vols, Carmina mediæ ævi posterioris latina, ii (Göttingen, 1963–67), iii, 842, no. 21629.

Gregorian terminology by adopting concepts developed in the twelfth century. Besides, Innocent's uses of the saying from Jesus Sirach as attested in the *Gesta* and the commentary to the penitential psalms, are good evidence for continuous self-reflection, the background to which was Gregorian.

IV

Another concept undoubtedly shared by Gregory and Innocent was their prominent interest in pastoral care. Innocent's use of the Gregorian formula 'ars artium est cura animarum' has already been mentioned.⁸¹ Both popes were afraid of making themselves guilty of endangering souls, if they neglected their pastoral duties, and were therefore even more concerned about the secular duties which prevented them from being more intensely engaged in the care of souls. Moreover, the end of the twelfth century, confronted with powerful threats of heresy, saw a revival of pastoral concern. Innocent III had been a student of the Paris theologian Peter the Chanter, one of the main proponents of this movement, and was therefore well acquainted with it.⁸² One aspect of pastoral activity, which enjoyed a renaissance in the context of renewed pastoral awareness, was preaching.⁸³ It is therefore not surprising that Innocent left an impressive collection of sermons and that his preaching activities are well attested in historiographical sources.⁸⁴ For Innocent's attitude to Gregory I, both

⁸¹ Above, n. 57.

⁸² See John W. Baldwin, *Masters, Princes, and Merchants. The social views of Peter the Chanter and his circle*, 2 vols (Princeton, 1970).

⁸³ A great deal has been written about theologians, preaching and pastoral care around 1200. See, amongst others, Alberto Forni, 'Kerygma e adattamento. Aspetti della predicazione cattolica nei secoli XII–XIV', *Bullettino dell'Istituto storico Italiano per il medio evo*, 89 (1980/81), 261–348; Idem, 'La "nouvelle prédication" des disciples de Foulques de Neuilly: intentions, techniques et réactions', in *Faire croire. Modalités de la diffusion et de la réception des messages religieuses du XII^e au XV^e siècle*, Collection de l'École française de Rome, 51 (Rome, 1981), 19–37; Philippe Buc, '"Vox clamantis in deserto"? Pierre le Chantre et la prédication laïque', *Revue Mabillon*, 65, n.s., 4 (1993), 5–47.

⁸⁴ For Innocent as a preacher and for his sermon collection see Imkamp, *Kirchenbild*, 64–7; John C. Moore, 'The Sermons of Pope Innocent III', *Römische Historische Mitteilungen*, 36 (1994), 81–142; Egger, 'Papst Innocenz III', 125–36; Katherine L. Jansen, 'Innocent III and the literature of confession', in *Innocenzo III. Urbs et Orbis*, i, 369–82.

sermons and historiography provide valuable insights. According to a story told by the Dominican friar Humbert of Romans, Innocent, when giving a sermon on the feast of Mary Magdalen, did not deliver a text of his own, though at least one sermon for the feast of this saint is extant,⁸⁵ but instead read Gregory the Great's sermon for the day⁸⁶ and translated it into *volgare*.⁸⁷ Apart from the story's function as *exemplum*, it demonstrates Gregory's continuing presence in Innocent's preaching activities. Both this presence and Innocent's esteem for his predecessor become evident in the sermon for Gregory's feast.⁸⁸ While this text, the value of which lies in the extensive treatment of theoretical aspects of biblical exegesis, is fairly well known,⁸⁹ there is another sermon for the same feast, which hitherto has remained unpublished and therefore unnoticed. At present it is known to be extant in three closely related early thirteenth-century English manuscripts.⁹⁰

Its theme is taken from Psalm 7:13–14: 'Arcum suum tetendit et paravit illum et in eo paravit vasa mortis, sagittas suas ardentibus effecit'—'He has bent and strung his bow, he has prepared his deadly weapons, making his arrows fiery shafts'. The sermon, in all

⁸⁵ Innocent III, *Sermo de sanctis XXIII: In sollemnitate beatissimae Mariae Magdalenae*, *PL*, 217, cols 557–62.

⁸⁶ Gregory, *Homiliae in evangelia*, ii, 33, ed. 287–98. Parts of this and of Innocent's sermon were assigned as readings for the feast of the Magdalen in the ordinal of the papal chapel: Van Dijk, *Ordinal*, 419.

⁸⁷ Humbert of Romans, *De eruditione praedicatorum*, i, 7, in *Opera de vita regulari*, ed. Joachim-Joseph Berthier, 2 vols (Rome, 1888–89), ii, 397: 'Audiui quod Innocentius papa, sub quo celebratum est Concilium Lateranense, vir magnae litteraturae, cum semel praedicaret in festo Magdalenae, habuit iuxta se quemdam tenentem hominiam Gregorii de festo illo, et verbo ad verbum dicebat in vulgari quod scriptum erat ibi in latino, quaerens, cum non recordabatur, ab illo qui librum tenebat, sequentia. Cum autem post sermonem quaereretur ab eo quare sic fecisset, cum sufficiens esset ad alia multa dicenda, respondit quod hoc fecerat ad reprehensionem et instructionem illorum qui dicta ab aliis dicere dedignantur.' The story, though with slightly different emphasis, can also be found in Salimbene de Adam, *Cronica*, ad a. 1216, ed. Giuseppe Scalia, 2 vols (Bari, 1966), i, 44, rev. edn in *CCCM*, 125 (Turnhout, 1998), i, 46, ll. 11–15: 'Item solitus erat aliquando librum tenere coram se, cum populo predicabat. Cumque quererent capellani cur homo sapiens et litteratus talia faceret, respondebat dicens: Propter vos facio, ut exemplum dem vobis, quia vos nescitis et erubescitis discere'.

⁸⁸ Innocent, *Sermo xiii de sanctis: In festo d. Gregorii papae, huius nominis I*, *PL*, 217, cols 513–22.

⁸⁹ Imkamp, *Kirchenbild*, 94–8; Bolton, 'Signposts of the Past', 52; Doran, 'In Whose Footsteps', 71–2.

⁹⁰ For the manuscripts see the introduction to the edition, below.

manuscripts titled ‘Sermon of the lord pope Innocent III’, starts with a comparison between Gregory and Innocent himself. His predecessor’s preaching is like the growling of a lion, while his own sermon is like the humming of a fly. This rather remarkable comparison is continued with more praise for Gregory, to whose greatness Innocent, whatever he is to say, will hardly be able to do justice. The pope then turns to the biblical text. The bow, made of wood and string, is interpreted as a metaphor for Scripture. The wood stands for the Old Testament, the string for the New. Just as the bow is bent by the string, so the rigor of the Old Testament is softened by the New.⁹¹ Three further parts of the bow can be distinguished, which are interpreted as the three parts of Old Testament law, belonging to matters of ritual, moral and typology—the latter being Old Testament stories, which can be read as anticipating the New Testament. Gregory was a master at handling this bow, thus beating all other theologians in explaining the meaning of Scripture, especially with respect to its moral sense. His knowledge of the human vices and virtues was so profound that it would be most appropriate to call his writings a *Speculum*—mirror. Interestingly Innocent uses a title which in the later Middle Ages was to become very popular especially for didactic and moral treatises.⁹² Gregory used his bow in a fourfold way, that is, he used the fourfold sense of Scripture in explaining the Bible. Innocent now therefore sets out to give a more detailed explanation of this important hermeneutic tool of medieval exegesis. Holy Scripture can be compared to the stream flowing through Paradise, described in the Psalms as the

⁹¹ This interpretation probably originated from Augustine, *Enarrationes in psalmos*, vii, 14, ed. Eligius Dekkers and Jean Fraipont, *CCSL*, 38 (Turnhout, 1956), 45: ‘Arcum ergo istum, scripturas sanctas libenter acceperim, ubi fortitudine Noui Testamenti, quasi neruo quodam, duritia Veteris flexa et edomita est.’ Innocent’s possible sources amongst others include Gregory I himself (*Moralia in Iob*, xix, 30, 55, ed. ii, 1000–1001), and Peter the Lombard, *Commentarium in Ps. 7*, *PL*, 191, col. 117. Important tools for preachers are the collections of *Distinctiones*, see for instance Alan of Lille, *Distinctiones dictionum theologicarum*, *PL*, 210, col. 708 and, for the entry ‘arcus’ in the *Distinctiones* of William de Montibus, Joseph Goering, *William de Montibus (c. 1140–1213): the schools and the literature of pastoral care*, Studies and texts, 108 (Toronto, 1992), 268–9.

⁹² See, amongst others, Paul Lehmann, ‘Mittelalterliche Büchertitel’, in Idem, *Erforschung des Mittelalters*, 5 vols (Stuttgart, 1941–62), v, 1–93, at 73–84; Ritamary Bradley, ‘Backgrounds of the Title *Speculum* in Mediaeval Literature’, *Speculum*, 29 (1954), 100–115.

'torrens voluptatis'.⁹³ This expression can be interpreted as an allegory of the Holy Spirit, who, according to a theological axiom widely used in the twelfth century, is the loving connexion between God the Father and God the Son.⁹⁴ The foundation of the allegory of the fourfold sense of Scripture is an etymological explanation of the names of the four branches of the paradise river:

Geon	'hiatus terre'	historical sense
Phison	'oris mutatio'	allegorical sense
Tigris	'velox'	anagogical sense
Euphrates	'fructificans'	tropological sense

The etymologies can be traced far back into the history of exegesis and were well known at the end of the twelfth century. Usually the four branches are explained as the four Evangelists or the four Cardinal virtues.⁹⁵ Interpreting them as the four senses of Scripture is more original and can also be found in other texts of Innocent's.⁹⁶

Innocent now returns to Gregory's emphasis on moral issues. The bow of Scripture is a forceful weapon against the vices. The vices cause eternal death to all who live under their rule; therefore Gregory preaches the death of vices and, even more, that man should be dead to them. The arrows mentioned in the theme of the sermon

⁹³ Ps. 35:9: 'et torrente voluntatis tuae potabis eos.' The variant reading *voluptatis* for *voluntatis* can be found in many manuscripts of the Vulgate and was widely used in the Middle Ages.

⁹⁴ 'Voluptas Patris et Filii dicitur Spiritus Sanctus, quoniam est amor et connexio utriusque'. The original phrase is in Augustine, *De doctrina christiana*, i, 5, 5, ed. Joseph Martin, *CCSL*, 32 (Turnhout, 1962), 9: 'In patre unitas, in filio aequalitas, in spiritu sancto unitatis aequalitatisque concordia'. For the twelfth century see, for instance, Petrus Lombardus, *Sententiae*, i, 31, 6; iii, 37, 3, nos. 1–2. It frequently appears in Innocent's texts, for instance *Reg. Im.*, viii, 70 (69), ed. 125–29, at 127, ll. 3–4; *Sermo i de tempore*, *PL*, 217, col. 316; *Sermo xxiii de tempore*, *ibid.*, col. 418; *Sermo xxv de tempore*, *ibid.*, col. 421; *Sermo xii de sanctis*, *ibid.*, col. 508; *De missarum mysteriis*, ii, 26, *ibid.*, col. 813. In the same context it can be found in the *Sermo communis iii: In communi de evangelistis*, *ibid.*, col. 608: 'Moraliter autem fluvius, qui de loco voluptatis egreditur, est infusio gratiae, quae de Spiritu sancto procedit; qui est delectatio Patris et Filii, amor et connexio utriusque. De quo dicit Psalmista: Torrente voluptatis tuae potabis eos (Ps. 35:9)'.

⁹⁵ See Reinhold R. Grimm, *Paradisus Coelestis, Paradisus Terrestris. Zur Auslegungsgeschichte des Paradieses im Abendland bis um 1200*, *Medium Aevum*, 33 (München, 1977), 121–128; Heinz Meyer, Rudolf Suntrup, *Lexikon der mittelalterlichen Zahlenbedeutungen*, Münstersche Mittelalter-Schriften, 56 (München, 1987), cols 342–45. In Innocent's *Sermo communis iii: In communi de evangelistis*, *PL*, 217, cols 605–610 the four branches are identified as the four evangelists and the Cardinal virtues.

⁹⁶ Imkamp, *Kirchenbild*, 95–6.

are aimed at those burning. In order to explain this burning fire, Innocent takes another opportunity to make distinctions.⁹⁷ The fires of guilt, punishment and grace are opposed to the fires of envy, covetousness and lust. Gregory aims his arrows at everybody, whether burning with the fire of vice, the fires of repentance and punishment or with the fire of grace, so as to exhort and confirm with his teachings. He was all the more able to do so because he himself was an outstanding example of a life without fault or sin. As a reading from his life demonstrates, Gregory first aimed his arrows at himself before he started to teach and admonish others, or, as he himself said in his sermons on the Gospel: 'The sermons of he whose life is despised by others, will be held in contempt'.⁹⁸ His life is therefore a perfect example. Innocent concludes with a short prayer that Christ through the intercession of St Gregory may guide the members of the audience to an improved life and fruitful preaching—thus suggesting that he was addressing clerics. This assumption is confirmed by the allusion to a reading from a life of Gregory, which was probably part of the daily office. The papal chapel, for instance, on Gregory's feast day listened to three readings from a biography, probably the *vita* written by John the Deacon.⁹⁹

The rhetoric and exegetical style of the sermon conform with what is known from Innocent's other texts. His authorship is further supported by the parallels to other sermons he delivered. One problem, however, at present remains to be resolved. A comparison with the sermon preached on Gregory's feastday and printed in Migne gives extensive textual parallels. There are of course differences. Apart from the greater length the Migne sermon is more elaborate and

⁹⁷ A textual parallel to the distinction of the six kinds of fire can be found in *Sermo xxv de sanctis: In festo D. Laurentii martyris i*, *PL*, 217, col. 567. For the techniques of 'distinctio' see Moore, 'Sermons', 88–92.

⁹⁸ Gregory I, *Homiliae in Evangelia*, i, 12, 1, ed. 82, ll. 36–7: 'cuius uita despiciatur, restat ut et praedicatio contemnatur'. The text was used as a reading in the office of the papal chapel, see Van Dijk, *Ordinal*, 467, ll. 2–12. Again, in the Middle Ages this Gregorian phrase became a popular saying that was quoted by many authors. Innocent used it in *Reg. Inn.*, xvi, 5, *PL*, 216, 789; *Sermones xxii* and *xxiii de tempore*, *PL*, 217, cols 414 and 417; *Sermo vii de sanctis*, *ibid.*, col. 483, *Sermones i* and *ii de diversis*, *ibid.*, cols 650 and 660; *De missarum mysteriis*, ii, 40, *ibid.*, col. 822.

⁹⁹ Van Dijk, *Ordinal*, 379: 'In festo sancti Gregorii. Tres lectiones leguntur de vita eius: Gregorius de genere romanus.' Van Dijk identified this text as coming from the *Liber pontificalis*, but the beginning rather points to John the Deacon's *Vita Gregorii*, *PL*, 76, col. 63.

more formal, while the sermon printed here gives a somehow sketchy and more immediate impression. It may therefore be asked whether the sermon edited below is indeed a sermon of its own, or if it is an earlier redaction of the Migne sermon, which was perhaps delivered to a more private audience such as the members of the papal chapel. At present very little is known about how Innocent's sermon collection was put together. Even more limited is our knowledge concerning the drafting of sermons and their transmission independently from the collection.¹⁰⁰ In this context it is interesting to note that in all three manuscripts the sermon is followed by Innocent's *De missarum mysteriis*. In all manuscripts the text of the mass commentary belongs to the same textual family.¹⁰¹ At present no exact indications about the position of this textual family in the textual tradition of the *De missarum mysteriis* can be given.¹⁰² Nevertheless it is interesting to speculate whether the text of the sermon could have been brought to England in the suitcase of somebody returning from a visit to the Curia.¹⁰³ In this case the sermon may indeed provide us with a glimpse into the author's study, at a text in the making.

In this paper I have tried to describe Innocent III's relation to his predecessor Gregory I. Innocent's devotion to Gregory indeed does not come as a surprise, and it can be illustrated by many examples.

¹⁰⁰ In this context it is interesting to note that there are two textual traditions of Innocent's sermon preached to the Lateran council in November 1215, one in some of the manuscripts of the sermon collection, the other in the chronicle of Richard of S. Germano, ed. Carlo Alberto Garufi, *RIS*², vii/2 (Bologna, 1938), cols 62a–70a.

¹⁰¹ A characteristic feature is, for instance, the title of the *De missarum mysteriis*, which is the same in all three manuscripts: 'Incipit tractatus [tractus LO] domini pape Innocentii iii de officio misse ab introitu usque in finem'. I am preparing a critical edition of Innocent's theological writings, see Egger, 'Papst Innocenz III.'.

¹⁰² A first and not entirely satisfactory attempt to establish textual families has been made by David F. Wright, 'I manoscritti del De missarum mysteriis di Innocenzo III', *Rivista di storia della chiesa in Italia*, 29 (1975), 444–52; repeated in his thesis, 'A Medieval Commentary on the Mass: Particulae 2–3 and 5–6 of the De Missarum Mysteriis (ca. 1195) of Cardinal Lothar of Segni (Pope Innocent III)', unpublished PhD thesis Notre Dame University 1977. The Hereford manuscript was not known to Wright. Another attempt is in Egger, 'Papst Innocenz III.', 193–216. It should be emphasized that these results are nothing more than preliminary.

¹⁰³ Unfortunately the medieval provenance is not known for any of the three manuscripts. At some point the Hereford manuscript may have been at St Peter's, Gloucester, and it is possible that the manuscript now at Oxford also came from Gloucestershire. In this case the close textual relation would be even less surprising.

More research will undoubtedly add considerably to this fragmentary outline. In one respect however it may have added another small piece to a picture the importance of which has always been pointed out by Brenda Bolton. While there is a long historiographical tradition emphasizing the powerful pope, papal jurist, law maker and politician, and more recently Innocent's theological knowledge and his concern for pastoral care have come into focus, the 'man of faith and spirituality'¹⁰⁴ still remains to be discovered. Only all these perspectives together can provide the foundation for what might really merit the name biography.

¹⁰⁴ Bolton, 'Gift List', 140.

Appendix
A Sermon of Innocent III's

The sermon is extant in three manuscripts:

H Hereford, Cathedral Library, MS P.I.13

This early thirteenth-century manuscript consists of four originally independent parts. The second of these, fos 97r–127v, is, according to R. M. Thomson, written in a rather expert English protogothic bookhand.¹ Innocent's sermon is on fos 97ra–97va.² It is followed by Innocent's commentary on the mass *De missarum mysteriis* (fos 97vb–122va), four anonymous sermons on paragraphs of the Apostolic Creed (fos 122va–124va) and a commentary on the Lord's Prayer, ascribed to Gervase of Tilbury (fos 124va–125vb).³ With respect to the provenance of the manuscript, former assumptions linking it with the Cistercian abbey of Dore in Herefordshire have now been rejected; appearance and contents, however, show a similarity to manuscripts from St Peter's Abbey, Gloucester.⁴

L London, British Library, Add. MS. 29882

The manuscript consists of two parts, written probably in England in the thirteenth century, originally independent from each other and bound together at an unknown time before the sixteenth century.⁵ Innocent's sermon (fos 1ra–1vb) and his *De missarum mysteriis* are to be found in the first part (fos 1r–40v). The second part, written perhaps slightly later than the first, consists of a text of the *Summa de confessione* 'Compilatio praesens' of Peter of

¹ R.A.B. Mynors, R.M. Thomson, *Catalogue of the Manuscripts of Hereford Cathedral Library* (Cambridge, 1993), 71–2.

² *Ibid.*, 71 the sermon is erroneously described as 'sermon in praise of Innocent III, recently dead, thus dating this part of the book after 1216'. As the author of the sermon is Innocent himself, the proposed dating can not be confirmed on the ground of the texts. The wrong description is repeated in Gervase of Tilbury, *Otia imperialia. Recreation for an Emperor*, ed S.E. Bankes and J.W. Binns, *OMT* (Oxford, 2002), XCII.

³ Edited in Gervase of Tilbury, *Otia imperialia*, 902–923.

⁴ Neil R. Ker, *Medieval Libraries of Great Britain. A List of Surviving Books*, Royal Historical Society Guides and Handbooks, 3 (London, second edn, 1964), 58; Mynors-Thomson, *Catalogue*, 72.

⁵ In both parts there are marginal notes by the same fifteenth- or sixteenth-century English hand. The only printed description of the manuscript is in *Catalogue of Additions to the Manuscripts in the British Museum in the Years MDCCCLIV–MDCCCLXXV* (London, 1877), 736.

Poitiers of Saint-Victor (fos 41ra–52va)⁶ and a fragmentary text of the *Summa de ecclesiasticis officiis* by John Beleth (fos 53ra–97vb).⁷ Nothing is known about the provenance. On the upper margin of fo. 2r is a possession mark, written in black ink by a probably sixteenth-century hand: 'Joh. Rusbach me tenet'.⁸ The manuscript was purchased by the British Museum in 1875.

O Oxford, Bodleian Library, MS Wood empt. 4

The manuscript⁹ is bound together from two originally independent parts, the first of which (fos 1r–24v) is quite famous as it contains Lanfranc of Canterbury's monastic constitutions and other material concerning the organization of monastic life.¹⁰ The second part (fos 25r–71v) was written in the thirteenth century (first half?). Innocent's sermon on Gregory is on fos 25ra–25vb, followed on fos 25vb–70rb by his *De missarum mysteriis*. Again the medieval provenance of the manuscript is unknown. In 1624 it was in the possession of Henry Fowler, rector of the church of Minchinhampton (Gloucestershire). He owned several medieval manuscripts but his sources are unknown. Later the manuscript belonged to Anthony Wood, who in 1690 sold it to the Bodleian Library.¹¹

The comparison of the text in the three manuscript results in relatively few variant readings. H and O usually share the same reading while L has some variants, most of them of minor significance.

⁶ Petrus Pictaviensis, *Summa de confessione 'Compilatio praesens'*, ed. Jean Longère, CCCM, 51 (Turnhout, 1980). Longère did not know this manuscript.

⁷ Iohannes Beleth, *Summa de ecclesiasticis officiis*, ed. Heribert Douteil, 2 vols, CCCM, 41–41A (Turnhout, 1976). The manuscript is not mentioned in Douteil's list. Between fo. 70v and fo. 71r a quire is missing. Therefore the text from c. 66b (ii, 124, l. 31) to c. 70a (ii, 130, l. 8) is lacking. The text breaks off incompletely in chapter 159b (ii, 304, l. 13).

⁸ I have not been able to identify this person. It is extremely unlikely that he is the same as John of Rusbach who taught at the University of Vienna in the fifteenth century, see Paul Uiblein, 'Johann Stadel von Rußbach. Ein Klosterneuburger Chorherr an der Wiener Universität', *Jahrbuch des Stiftes Klosterneuburg*, n.s., 4 (1964), 7–29, at 24, reprinted in idem, *Die Universität Wien im Mittelalter. Beiträge und Forschungen*, Schriftenreihe des Universitätsarchivs, 11 (Vienna, 1999), 207–32, at 226.

⁹ *A Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford*, ii/2 (Oxford, 1937), 1198–9, no. 8592.

¹⁰ *The Monastic Constitutions of Lanfranc*, ed and trans. David Knowles, rev. Christopher N.L. Brooke, OMT (Oxford, 2002), XLVI; Christopher A. Jones, 'Monastic Custom in Early Norman England: the significance of Bodleian ms. Wood empt. 4', *Revue bénédictine*, 113 (2003), 135–168, at 137–141.

¹¹ Jones, 'Monastic Custom', 140–1.

A definite judgement about the relation of the manuscripts may be possible after a careful collation of the *De missarum mysteriis*, the text of which in all three manuscripts belongs to the same family. The edition which follows gives the text of manuscript H. Orthography and punctuation have been adapted to modern use.

Sermo^a domini pape Innocencii III.

Arcum suum^b tetendit et paravit illum et in eo paravit uasa mortis, sagittas suas ardentibus effecit.^{12, c}

Qualis est sibilus musce post leonis et leone rugitum, talis est uox aut sermo Innocencii post Gregorium. Nulla est enim comparatio sermonis mei ad sermonem ipsius. Ipse enim fuit^d fons sapientie, torrens eloquentie, gemma pontificum, lucerna doctorum. Ipse enim fuit uere *scriba doctus in regno celorum, qui protulit de thesauro suo noua et uetera.*¹³ Vnde quoniam nihil dignum laudibus ipsius timeo quod proponam, indignum ducere erubesco. Cedit tamen pudor deuotioni et licet quod uellem non possim, debeo tamen uelle quod possum.

Ad laudem ergo ipsius dicimus cum propheta: *Arcum suum tetendit et cetera.* Arcum in hoc loco scripturam sacram^e accipimus. In arcu enim sunt duo,^f lignum quod est durum et corda que est mollis. Et tamen lignum durum per cordam que mollis est inflectitur et curatur, sic et in diuina pagina duo sunt testamenta, uetus et nouum. Vetus testamentum est durum sicut lignum, quia *dentem pro dente, oculum pro oculo, adustionem pro adustione reddebat.*¹⁴ Vnde et^g Petrus dicit de eo: *Ut quid temptatis inponere ceruicibus nostris iugum, quod neque nos neque patres nostri portare potuimus.*¹⁵ Nouum autem testamentum molle

^a *In nomine domini* [. . .] praem. L

^b *sum* om. L.

^c *sagittas-effecit*] *et cetera* HOL.

^d *fuit* om. L.

^e *scripturam sacram* tr. L.

^f *duo sunt* tr. O.

^g *et* om. L.

¹² Ps. 7:13–14: *arcum suum tetendit et paravit illum et in eo paravit uasa mortis sagittas suas ardentibus effecit.*

¹³ Cf. Matth. 13:52: *ideo omnis scriba doctus in regno caelorum similis est homini patri familias qui profert de thesauro suo noua et uetera.*

¹⁴ Cf. Ex. 21:24–25.

¹⁵ Cf. Act. 15:10: *nunc ergo quid temptatis Deum inponere iugum super cervicem discipulorum quod neque patres nostri neque nos portare potuimus.*

est sicut corda.^h Vnde Dominus: *Iugum enim meum suauē est et onus meum leue.*¹⁶ In eo enim dicitur: *Si quis tibi abstulerit tunicamⁱ dimitte^j ei et pallium,^k et si quis percusserit te in maxilla^l prebe ei et aliam, et si quis angariauerit te mille passus eas cum eo alia duo.*¹⁷ Duricia ergo^m ligni per cordam mollem inflectitur, quoniam asperitas et rigor ueteris testamenti per nouum testamentum temperatur. Vnde Veritas in Euangelio: *Audistis quia dictum est antiquis:ⁿ Diliges amicum tuum et odio habebis inimicum tuum. Ego autem dico uobis: diligite inimicos uestros, benefacite his, qui odiunt uos.*¹⁸ *Benedicite^o maledicentibus uos.*¹⁹ *Benedicite et nolite maledicere.*²⁰

Notandum autem, quod in arcu per cordam duo extrema curantur, medium autem inflexibile permanet. Sic sunt et in ueteri testamento tres partes, uidelicet cerimonialia, moralia siue^p naturalia et figuralia precepta. Naturalia ergo precepta^q tamquam ligni medium non flectuntur, quoniam sicut olim: *Non adorabis deum alienum, non occides, non mechaaberis* et similia que ad decalogum pertinent,²¹ ad litteram seruabantur, sic et hodie in Euangelio eadem absque omni inflexione ad litteram seruari iubentur.^r Cerimonialia uero, que ad sacrificia pertinebant, et figuralia tamquam duo extrema per cordam noui testamenti inflexa sunt et mutata. Non enim hodie turturem

^h *sicut corda est tr.* L.

ⁱ *pallium* L.

^j *da* L.

^k *tunicam* L.

^l *maxillam* L.

^m *igitur* L.

ⁿ *-is* korr. L.

^o *benefacite* LO.

^p *siue et* L.

^q *precepta om.* L

^r *ad-iubentur* korr. in ras. H; *seruari uideatur* L.

¹⁶ Matth. 11:30.

¹⁷ Cf. Matth. 5:39–41: *ego autem dico uobis non resistere malo. Sed si quis te percusserit in dextera maxilla tua prebe illi et alteram, et ei qui uult tecum iudicio contendere et tunicam tuam tollere remitte ei et pallium. Et quicumque te angariauerit mille passus vade cum illo alia duo.* The whole passage from ‘In arcu enim sunt duo’ to ‘eo alia duo’ is very similar to Innocent, *Sermo xiii de sanctis*, PL, 217, col. 516B1–C1.

¹⁸ Matth. 5:43–44; cf. Lk. 6:27–28.

¹⁹ Lk. 6:28: *benedicite maledicentibus uobis.*

²⁰ Rom. 12:14.

²¹ Ex. 20:2–17; Deut. 5:6–21.

uel columbam, agnum aut uitulum immolamus, sed illum sacratissimum sanguinem et corpus dominicum, quod assumpsit de uirgine, quod pependit in ligno, quod iacuit in sepulcro et quod die tertia uictor de sepulcro resurrexit.^s Sic quoque figuralia nouo testamento cesserunt, quoniam ex quo res noui testamenti uenerunt, deberent umbratiles^t ueteris testamenti cessare. Hinc enim dicitur: *Vetustissima veterum comedetis et nouis superuenientibus uetera proicietis.*²²

Hunc igitur arcum tetendit^u beatus Gregorius et parauit,^v quoniam scripturam sacram^w pre ceteris et supra ceteros doctores eleganter exposuit, usque adeo, quod ei a sponsa proprie^x dici uideatur: *Omnia poma noua et uetera seruauit tibi dilecte mi.*²³ Quasi dicat: Ceteris doctoribus sacrarum scripturarum expositoribus flores dedi, sed omnia poma, id est fructus, ueteris et noui testamenti, hoc est omnem moralem expositionem, in qua est totus teologie fructus, reseruauit tibi dilecte mi.²⁴ In tantum enim expresse moralitatem dicit, quod cum de lapsu carnis loquitur, quod semper luxuriosus fuerit uideatur; sic et cum de auaricia loquitur, quod auarus. Vnde proprie ipsius expositio speculum dici potest, quoniam in eius expositione tamquam in speculo quilibet^y peccator omnes maculas, quas in uultu conscientie tenet, euidenter agnoscat, sic quoque et iustus uultus anime sue decorem absque obumbratione qualibet reprehendit.

Tetendit arcum suum quadrupliciter: historice, allegorice, anagogice et tropologice. Est enim sacra scriptura sicut *torrentis uoluptatis*^z in medio paradisi,²⁵ de quo dicitur: *Torrente*^{aa} *uoluptatis tue*^{bb} *potabis eos.*²⁶

^s *surrexit de sepulcro* L.

^t *figure* add. L.

^u *dominus* add. L.

^v *preparauit* L.

^w *sacram scripturam* tr. L.

^x *proprie* om. L.

^y *quidlibet* L.

^z -p- add. s.l. O.

^{aa} *De torrente* L.

^{bb} *tue* om. L

²² Lev. 26:10.

²³ Cant. 7:13: *omnia poma noua et uetera dilecte mi seruavi tibi.*

²⁴ 'quoniam scripturam sacram' to 'dilecte mi': cf. Innocent, *Sermo xiii de sanctis*, PL, 217, col. 515B12-C3.

²⁵ Cf. Gen. 2:10.

²⁶ Ps. 35:9: *et torrente voluntatis tuae potabis eos.* See above, n. 93.

Voluptas Patris et Filii dicitur Spiritus Sanctus, quoniam est amor^{cc} et connexio utriusque.²⁷ De uoluptate hac^{dd} inquit^{ee}: tamquam torrens sacra scriptura^{ff} procedit, que in quatuor capita diuiditur, quia quadruplici, ut dictum est, modo exponitur, ut sic per quadruplicem expositionem tamquam per quatuor flumina totam terram ecclesie ad fructificandum ualeat irrigare. Quatuor namque flumina de uno fonte paradisi procedunt, Gion, Fison, Tygris,^{gg} Eufrates.²⁸ Gion, quod interpretatur hiatus terre, consonat intellectui historico. In historia enim temporalia promittuntur, ut *Dabo uobis terram fluentem lac et mel*²⁹ et similia, per que patres ueteris testamenti ad appetitum terrenorum et temporalium inhiabant. Fison interpretatur oris mutatio, per quod expositio allegorica competenter exprimitur. Aliud enim apparet in historia et aliud dicitur in allegoria. Tigris, quod uelox interpretatur, expositioni anagogice rectissime aptatur, quoniam, cum ibi de supracelestibus agitur, utpote de angelis et essencia diuina, subtile ingenium et uelocem desiderat intellectum. Eufrates interpretatur fructificans, unde merito exprimit tropologicum intellectum.^{30, hh} In expositione namque morali fructus unde anima pascitur copiosius reperitur. Hec igitur quatuor flumina beatus Gregorius de torrente uoluptatis eduxit et his quatuor modis *arcum* scripture sacreⁱⁱ *tetendit et parauit illum et in eo parauit uasa mortis*, quoniam in scriptura sacra sententias aptauit continentes^{jj} mortem, non animarum sed uiciorum. Cum enim mortem eternam sequi ex uiciis patenter ostendat, quid

^{cc} *amor est* tr. L.

^{dd} *hac uoluptate* tr. L.

^{ee} *inquit* om. L.

^{ff} *scriptura sacra* tr. L.

^{gg} *Tygris* et L.

^{hh} *Eufrates-intellectum* om. (homoioтелеuton) O, in marg. man. al. *eufrates frugifer interpretatur*.

ⁱⁱ *sacre scripture* tr. L.

^{jj} *continens* L.

²⁷ For this phrase see above, n. 94.

²⁸ Cf. Gen. 2:10–14.

²⁹ Cf. Gen. 3:8; 3:10; 13:5; etc.

³⁰ ‘Tetendit arcum suum quadrupliciter’ to ‘intellectum’: cf. Innocent, *Sermo xiii de sanctis*, PL, 217, cols 515C8–516A12.

aliud quam mortem uiciorum predicat et quod uiciis mori debeamus³¹ insinuat?

Sequitur: *Sagittas suas ardentibus*, id est illis, qui ardent, *effecit*.³² Notandum enim, quod est ignis culpe, ignis pene, ignis gratie. O quantus est ignis inuidie, ignis auaricie, ignis carnalis concupiscentie. De quo dicitur: *Ignis comedit speciosa deserti*,³³ quoniam ignis culpe speciositatem anime, que a uiro suo propter peccata deseritur, consumit. Ignis pene intelligitur, cum peccator pro sceleribus suis interius tam salubriter quam ardentem conteritur.^{kk} De hoc igne dicitur: *Concaluit*^{ll} *cor meum intra me et in meditatione mea exardescet ignis*.³⁴ Ignis uero gratie accipitur, cum iustus igne caritatis et dilectionis accensus Deum super omnia et proximum sicut seipsum diligit.³⁵ De hoc igne dicitur: *Ignem ueni mittere in terram et quid uolo nisi ut ardeat*.³⁶ Et item: *Ignem de celo misit in ossibus meis*.³⁷ Igitur beatus Gregorius sagittas suas, id est proprias, tamquam^{mmm} ardentibusⁿⁿ effecit, quoniam illis, qui ardent igne uiciorum et culpe, sententias proprias tamquam^{oo} sagittas effecit, quibus corda talium ad bonum penitentiae sagittauit dicens, quod non nisi in uera penitentia peccatorum remissio habetur. Illis uero, qui ardent interius igne contricionis et pene, sententias proprias tamquam sagittas effecit, quibus corda ipsorum ad bonum penitentiae sagittaret dicens, quod sicut nec propter prospera extolli, sic neque propter aduersa contra creatorem nostrum murmurare debemus. Ardentibus uero igne gratie proprias sententiarum suarum sagittas effecit, quibus corda ipsorum ad perseuerantiam inuitauit,^{pp}

^{kk} *atteritur* L.

^{ll} *conculcauit* L.

^{mmm} *tamquam* om. L.

ⁿⁿ *ardenter* L.

^{oo} *tamquam proprias* tr. L.

^{pp} *inuitat* O.

³¹ Cf. Rom. 6:2.11.

³² Ps. 7:14: *sagittas suas ardentibus effecit*.

³³ Joel 1:19: *ad te Domine clamabo quia ignis comedit speciosa deserti et flamma succendit omnia ligna regionis*.

³⁴ Ps. 38:4.

³⁵ Cf. Matth. 22:37–39; Marc 12:30–31; Lk. 10:27.

³⁶ Lk. 12:49: *Ignem ueni mittere in terram et quid uolo si accendatur*.

³⁷ Lam. 1:13: *de excelso misit ignem in ossibus meis et erudiuit me*. For 'Sagittas suas ardentibus' to 'ossibus meis' cf. Innocent, *Sermo xxv de sanctis*, PL, 217, col. 567A5–B2.

quoniam non inchoantibus sed perseuerantibus promittitur premium.^{38, qq} *Non enim coronabitur nisi qui legitime, id est finaliter, certauerit.*³⁹ Exemplo autem pii doctoris et redemptoris nostri, cuius uita pura fuit, quoniam *peccatum non fecit*, predicatio uero purissima; quia *non est inuentus dolus in ore eius*,⁴⁰ qui *cepit primo facere et postmodum docere*,⁴¹ beatus Gregorius primo seipsum^{rr} sagittauit, ut postmodum sine reprehensione alios sagittare ac docere ualeret, sicut enim lectio de uita ipsius euidenter ostendit. Iuxta mandatum apostolicum corpus suum castigauit et in seruitutem redegit⁴² antequam accederet ad doctrinam, quoniam sicut ipse dicit: *Cuius uita despicitur restat [ut et predicatio contemnatur]*.^{43, ss} Illius ergo auxilium inuocamus, qui talem patrem et doctorem sue sancte ecclesie preelegit, ut per merita et intercessionem ipsius beatissimi confessoris nos taliter uitam nostram corrigendo deducere ac uerbum predicationis uobis seminare concedat, ut omnes pariter per fructum bonorum operum regnum ualeamus consequi sempiternum. Quod ipse^{tt} prestare dignetur,^{uu} qui cum^{vv} Patre et Spiritu Sancto uiuit et regnat, Deus per infinita secula seculorum. Amen.^{ww}

^{qq} *premium promittitur* tr. L.

^{rr} *se* L.

^{ss} *restat-contemnatur*] *et cetera* L; *ut-contemnatur*] *et cetera* HO.

^{tt} *nobis* O.

^{uu} *Quod-dignetur* om. L.

^{vv} *Deo* add. L.

^{ww} *Deus-Amen* om. L.

³⁸ Cf. Matth. 10:22; 24:13.

³⁹ 2 Tim. 2:5: *nam et qui certat in agone non coronatur nisi legitime certauerit.*

⁴⁰ 2 Peter 2:22: *qui peccatum non fecit nec inuentus est dolus in ore ipsius.*

⁴¹ Cf. Act. 1:1.

⁴² Cf. 1 Kor. 9:27: *sed castigo corpus meum et in seruitutem redigo ne forte cum aliis praedicauerim ipse reprobus efficiar.*

⁴³ Gregory I, *Homiliae in Evangelia*, i, 12, 1, ed. 82, ll. 36–37; see above, n. 98.

PRODUCED IN SIN: INNOCENT III'S REJECTION OF THE IMMACULATE CONCEPTION¹

Constance M. Rousseau

In 1854, Pope Pius IX solemnly pronounced the doctrine of the Immaculate Conception in the bull *Ineffabilis deus*. This document decreed:²

... we declare ... the most Holy Virgin Mary was preserved from all stain of original sin in the first instant of her Conception, by a singular grace and privilege of Almighty God, in consideration of the merits of Jesus Christ, Savior of the human race: [this] has been revealed by God, and must, therefore, firmly and constantly be believed by all the faithful.

Although several medieval popes from John X (d. 928) to John XXII (1316–1334) have been associated with the first establishment of the feast of the Immaculate Conception (8 December), a substantial number of reliable sources including Osbert of Clare, St. Bernard, St. Thomas Aquinas, and Peter Auriol have indicated that the Holy See did not observe this feast. Around 1330, a liturgical change apparently occurred and other witnesses—John Bacon, Thomas of Strasbourg, and John Tauler confirmed the Roman Curia's celebration of this day honoring Mary.³ Precise definition of the dogma would wait until the reign of Pius IX.

Despite the medieval evidence limiting the institution of the feast to around the third decade of the fourteenth century, Charles Duplessis d'Argentré, an eighteenth-century scholar, assumed that Pope Innocent

¹ I would like to dedicate this article to Brenda, whose friendship has enriched my life and whose scholarly assistance has been so valuable in shaping much of my understanding of Innocent III. I would also like to thank James M. Powell and Norma Kroll for their helpful suggestions concerning this article.

² Hilario Marin, ed. *Documentos marianos: doctrina pontificia*, Biblioteca de Autores Cristianos, 128 vols (Madrid, 1954), iv, 170–93, at 190–91, c. 299.

³ René Laurentin, 'The Role of the Papal Magisterium in the Development of the Dogma of the Immaculate Conception', in *The Dogma of the Immaculate Conception: history and significance*, ed. Edward D. O'Connor (Notre Dame, 1958), 271–324, at 274–75.

III (1198–1216)⁴ established the Feast of the Immaculate Conception in all the dioceses of France in 1215. He arrived at this conclusion from a series of three synodal decrees of the French church edited by Laurent Bouchel. Some nineteenth-century historians accepted this interpretation; however, Paul Doncoeur, an early twentieth-century historian, argued that d'Argentré misinterpreted the documentary evidence from these canonical sources.⁵ The medieval witnesses and Doncoeur's criticism of d'Argentré are two ways of questioning whether Innocent truly accepted the Immaculate Conception and imposed this feast in France. While previous studies have adopted a less contextualised approach, our present analysis of this pope's perspectives concerning the extraordinary woman, Mary,⁶ and ordinary women, the daughters of Eve, through the lenses of sexuality, the female body, and Christology will provide a more complete explanation for his ultimate rejection of the Immaculate Conception.

Doncoeur's review of d'Argentré's work is essential in demonstrating the limitations of conclusions based on canonical sources alone. According to Doncoeur's examination of Laurent Bouchel's edition, the synodal decrees from the diocese of Rheims (C. X), dated c. 1297, listed the celebration of many feasts, including that of St. Louis (required after 1297), but *did not mention* the feast of the Conception. Decrees from the same diocese found in C. XII did note both feasts, but are dated to the year 1329. The third decree (C. XIII), from the synods presided over by papal legates Guala and Simon, lists the annual liturgical feasts, but includes neither the feasts

⁴ On Innocent III's pontificate, see Bolton, *Innocent III*; Helene Tillmann, *Pope Innocent III*, trans. Walter Sax (Amsterdam, 1980); Christopher R. Cheney, *Innocent III and England*, *Papste und Papsttum*, 9 (Stuttgart, 1976); Jane Sayers, *Pope Innocent III: leader of Europe 1198–1216* (London, 1994); Raymonde Foreville, *Le pape Innocent III et la France*, *Papste und Papsttum*, 26 (Stuttgart, 1992); and the most recent John C. Moore, *Pope Innocent III (1160/61–1216): to root up and to plant* (Boston, 2003); Damian Smith, *Pope Innocent III and the Crown of Aragon: the limits of papal authority* (Aldershot, 2004).

⁵ Charles Duplessis d'Argentré, ed., *Collectio judiciorum de novis erroribus qui ab initio duodecimi seculi post Incarnationem Verbi, usque ad annum 1632 in Ecclesia proscripti sunt et notati*, 3 vols (Paris, 1728), i, 30; Laurent Bouchel, ed., *Decreta ecclesiae gallicanae*, vols (Paris, 1609), ix, 4.10, 12, 13; Paul Doncoeur, 'Les premières interventions du Saint-Siège relatives à l'Immaculée Conception XII^e–XIV^e siècle', *Revue d'histoire ecclésiastique* 8 (1907), 266–85, at 272–75.

⁶ On the Virgin Mary in general, see Clarissa W. Atkinson, *The Oldest Vocation: Christian motherhood in the Middle Ages* (Ithaca, 1991); Marina Warner, *Alone of All Her Sex: the myth and cult of the Virgin Mary* (New York, 1983) and the more recent Jaroslav Pelikan, *Mary Through the Centuries* (New Haven, 1996).

of the Conception nor St. Louis. In a separate and brief paragraph immediately following Chapter XIII, the statement is found that the Conception of the Blessed Mary is to be celebrated by apostolic mandate. This bit of information, argued Doncoeur, caused d'Argentré to conclude erroneously that Innocent established the feast throughout France in 1215.⁷

In his analysis, Doncoeur explained the invalidity of this scholar's assumption. While Guala was indeed Innocent's papal legate in France from 1208–1215,⁸ he was not accompanied by an individual named Simon. Legates Simon de Brie and Simon de Beaulieu represented later popes in 1264, 1265, 1274 and 1294, respectively. Doncoeur therefore argued that the decrees of chapter XIII found in Bouchel's edition conflated the synodal legislation issued independently by legates Guala and Simon. He further suggested that the decrees of Guala given in 1208 or 1215 were later confirmed or renewed by Simon in 1264 or 1274 which explained the omission of the feast of St. Louis, only obligatory after 1297. The reference to the Feast of the Conception was perhaps a marginal note included by the editor Bouchel and added after the legatine decrees. Accurate determination for dating the papal mandate for the feast is difficult, but certainly excludes d'Argentré's date of 1215, during the pontificate of Innocent III.⁹

If Innocent III had accepted the Immaculate Conception as d'Argentré suggested, he would have been out of the mainstream of most medieval theologians. Perhaps many of these thinkers denied the Immaculate Conception because the New Testament contained no explicit references to the Virgin's exemption from original sin at the moment of her conception or any other time.¹⁰ In his treatise *On Nature and Grace*, Augustine wrote that

⁷ Doncoeur, 'Les premières interventions', 272–74.

⁸ An indispensable guide to the cardinalate during Innocent's reign is Werner Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216: die Kardinäle unter Coelestin III und Innocenz III* (Vienna, 1984), 141–46.

⁹ Doncoeur, 'Les premières interventions', 274–75, see especially n. 4. Doncoeur further questions whether the passage in *Gallia Christiana* that refers to the promulgation of the Feast of the Conception by the two legates, Guala and Simon in 1215 can be considered an independent corroborating source of evidence since it merely repeats the Bouchel's 1609 edition almost verbatim. See *Gallia christiana in provincias ecclesiasticas distributa* . . . , ed. Denis de Sainte-Marthe and B. Haureau, 16 vols (Rome, 1870–74), ix, 106.

¹⁰ Charles Journet, 'Scripture and the Immaculate Conception: A problem in the

... in regard to the Holy Virgin Mary, we must make an exception, concerning whom, because of the honor of the Lord, I do not wish to raise directly the question concerning sins. For whence do we know from him what abundance of grace for triumphing over sin in every particular was extended to her who had merited to conceive and bear him who certainly had no sin?¹¹

Ambiguity arises in this passage since while Mary was sinless in every particularity during her lifetime, such a state did not necessarily mean that at the moment of her conception, she was exempted from the generality of original sin that afflicted all humanity. Later, the ninth-century Benedictine, Paschasius Radbertus, specifically raised the question of whether Mary was conceived in original sin. He first asserts although Mary was procreated and born of sinful flesh, and she herself was sinful flesh, she was no longer in this state when she received the grace of the Holy Spirit and was called blessed by the angel Gabriel.¹² Whereas this statement suggests sanctification at the Annunciation, Paschasius' later assertion contradicts this possibility when he says that Mary had not contracted original sin in the womb in which she had been sanctified.¹³ Hence this theologian left the issue unsettled.¹⁴ The important early eleventh-century Scholastic thinker, Anselm of Canterbury, stressing the purity of the Virgin in his devotional prayers, nonetheless, believed in the universality of original sin and therefore concluded that, "The Virgin herself...

evolution of dogma', in *The Dogma*, ed. O'Connor, 1-48, at 38. For the medieval proponents of the Immaculate Conception such as Eadmer of Canterbury and Osbert of Clare, as well as the course of the debate, see Carlo Balić, 'The Medieval Controversy over the Immaculate Conception up to the Death of Scotus', in *The Dogma*, ed. O'Connor, 161-212.

¹¹ Augustine, *De natura et gratia liber unus*, CSEL, 360 vols (New York, 1962 [based on original edition of 1913]), lx, 36.42, 263-64 '... excepta itaque sancta virgine Maria, de qua propter honorem domini nullam prorsus, cum de peccatis agitur, haberi volo questionem—unde enim scimus quid ei plus gratie conlatum fuerit ad vincendum omni ex parte peccatum, quae concipere et parere meruit, quem constat nullam habuisse peccatum?'; Pelikan, *Mary*, 191.

¹² *PL* 120, *De partu Virginis*, col. 1371. 'At vero beata Maria licet ipsa de carne peccati sit nata et procreata, ipsaque quamvis caro peccati fuerit, non tunc jam quando praeveniente Spiritus sancti gratia ab angelo prae omnibus mulieribus benedicta vocatur'.

¹³ *Ibid.* 'Sed quia tam solemniter colitur... quod nullis, quando nata est, subjacuit delictis, neque contraxit in utero sanctificata originale peccatum'.

¹⁴ The lack of clarity in Paschasius Radbertus' discussion has also been duly recognized by Balić, 'The Medieval Controversy', 162-65 and Pelikan, *Mary*, 192.

was conceived in iniquity, and in sin did her mother conceive her . . . because she too sinned in Adam in whom all sinned.¹⁵

No less a major devotee to the Virgin, the Cistercian Bernard of Clairvaux, rejected Mary's exemption from original sin at the time of her conception. His famous statement in Epistle 174 to the canons of Lyons evaluated three possibilities concerning her procreation. Bernard argued that sanctification or cleansing of Mary from original sin could not occur *before* her conception because at that time she would not have existed. Moreover, he reasoned, her *simultaneous* conception and sanctification did not occur since even in the conjugal copulation of her parents, lust and thus, original sin were present. Hence, only one possibility remained—she was sanctified in the womb *after* her conception and this caused her actual birth to be holy and free from sin.¹⁶ Clearly, some type of purification of the Virgin was necessary since otherwise, how could Christ himself be sinless if his mother were not? A majority of theologians of the twelfth century accepted Bernard's position.¹⁷

What evidence is available then for determining Innocent III's attitude towards the Virgin Mary and the Immaculate Conception in particular? Certainly, the pope was particularly devoted to Mary. Brenda Bolton has pointed out that he encouraged traditional Roman expressions of popular Marian piety such as the torch-lit procession which occurred on the Vigil of the Feast of the Assumption (the fourteenth of August). Amidst the prostration of the crowd and the intoning of the Kyrie one hundred times, the fifth-century image of the Virgin from the Church of S. Maria Nova (now S. Francesca Romana) met the Uronica, an icon of Christ, attributed to St. Luke,

¹⁵ Anselm of Canterbury: *Cur deus homo*, Opera omnia, ed. Franciscus Salesius Schmitt, 2 vols (Stuttgart-Bad Cannstatt, 1968 [based on original edition of 1940]), ii, 2.16, 116; Warner, *Alone of All Her Sex*, 241, n. 12; Balič, 'The Medieval Controversy', 168–69.

¹⁶ Bernard of Clairvaux: *Opera omnia*, eds J. Leclercq and H. Rochais, vol. 8 (Rome, 1974), 388–92; Balič, 'The Medieval Controversy', 173, n. 60; For discussion of St. Bernard, see Ferruccio Gastaldelli, 'San Bernardo e L'Immacolata Concezione: Le ragioni teologiche della lettera 174', *Analecta cisterciensia* 44 (1988): 190–200; Rosa Maria Dessi and Marielle Lamy, 'Saint Bernard et les controverse de l'Immaculée Conception', in *Vie et légendes de Saint Bernard de Clairvaux: création, diffusion, réception (XII^e–XX^e siècles) actes des Recontres de Dijon, 7–8 juin 1991* ed. Patrick Arabeyre, Jacques Berlioz and Philippe Poirrier (Saint-Nicolas-dés-Cîteaux, 1993), 229–60.

¹⁷ Balič, 'The Medieval Controversy', 184, n. 119.

which had been carried to her church from the *Sancta sanctorum* in the Lateran. The procession then continued until it reached the Church of S. Maria Maggiore at the dawn on 15 August, where Innocent preached his sermon on the Assumption of the Virgin, describing her as the origin of day and the end of the night of damnation.¹⁸ Besides this sermon and liturgical ceremony, five other major sermons authored by the pope survive commemorating Mary's Nativity, Purification, Annunciation, and Assumption and discuss the Virgin in some depth, despite an overall Christological emphasis.¹⁹

In this sermon literature that Brenda Bolton encouraged me to investigate years ago, Innocent III generally stressed that the Virgin Mary, an extraordinary and unique being, stands apart from all ordinary women because of her simultaneous existence as a virgin and mother, a biological impossibility for other women. She was a virgin before the birth, during the birth and after the birth.²⁰ This perpetual virginity was possible since unlike ordinary women who conceived through carnal intercourse by an exterior masculine agent, Mary only conceived Christ through the interior divine action of the Holy Spirit.²¹ According to Innocent, Mary did not actually 'conceive' Christ (*concipit*) as other women conceived in the carnal manner, but rather, enclosed (*circumdedit*) him in her womb.²²

Innocent further highlighted the unique desexualized nature of Mary's motherhood²³ and the virginal purity of her body by refer-

¹⁸ PL 217, Sermo XXVIII, In Eadem Solemnitate [Assumptionis Gloriosissimae semper Virginis Mariae], cols 581–86, at 581; Bolton, *Innocent III*, 'Advertise the Message: Images in Rome at the Turn of the Twelfth Century', XVII, 116–130, at 119–20, 124–27.

¹⁹ PL 217, Sermo XI, In Navitate Sanctae Mariae, cols 497–504; Sermo XII, In Solemnitate Purificationis Gloriosissimae semper Virginis Mariae, cols 505–14; Sermo XIV, In Solemnitate Annuntiationis Gloriosissimae semper Virginis Mariae, cols 521–26; Sermo XXVII, In Solemnitate Assumptionis Gloriosissimae semper Virginis Mariae, cols 575–82; Sermo XXIX, In Solemnitate Nativitatis Gloriosissimae semper Virginis Mariae, cols 585–88; See also Wilhelm Imkamp, 'Virginitas quam ornavit humilitas: Die Verehrung der Gottesmutter in den Sermones Papst Innocenz' III', *Lateranum* 46 (1980), 344–78. For an analysis of Innocent III's sermons in general, see John C. Moore, 'The Sermons of Pope Innocent III', *Römische Historische Mitteilungen* 36 (1994), 81–142.

²⁰ PL 217, Sermo XXVIII, col. 583.

²¹ PL 217, Sermo XXVII, col. 577; PL 217, Sermo III, In Nativitate Domini, col. 460.

²² PL 217, Sermo III, col. 460; PL 217, Sermo XXVII, col. 577.

²³ A discussion of Innocent's attitudes concerning motherhood can be found in Constance M. Rousseau, 'Pregnant with Meaning: Pope Innocent III's construction

ring to several Scriptural and Patristic Marian metaphors that alluded to concepts of enclosure, impenetrability and impermeability. He likened her intact maidenhead to the closed gate (*porta clausa*) of Ezekiel 44:2 and her virginal womb to the locked garden (*hortus conclusus*) and sealed fountain (*fons signatus*) found in the Song of Songs 4:12.²⁴ A more remarkable and distinctively medieval image is that of Innocent's comparing Mary's virginal body to a castle with its walls and turrets withstanding the onslaughts of lust and pride.²⁵ Thus, whereas the rest of women with their penetrable open bodies conceived in concupiscence and sin, Mary with her closed body, conceived Christ in purity and grace. Her closed body can also be regarded as a border separating ordinary human from divine begetting.

The pope's reference to the theological commonplace of Mary as the inversion of Eve made a further contrast between the extraordinary Mary and her ordinary sisters.²⁶ Using clever word-play, he transformed the name of 'Eva' to that of 'Ave'²⁷ and stressed that Mary as the second-Eve, a new Eve, had a transformative power. Eve caused death to enter the world when she consented to the Devil's suggestion and ate the forbidden fruit; Mary renewed the life of the human race when she consented to God's plan and gave birth to the savior, Jesus Christ.²⁸

Nonetheless, the purity of Mary's unpenetrated body and her role in human salvation did not exclude her from original sin at her conception. The pope drew this conclusion in differentiating between the begetting of Eve and Mary. Innocent argued that Eve was produced from man alone, that is, created by God from Adam's rib. Eve was produced without sin but produced in sin.²⁹ Here, the pope implied that God created Eve from Adam without any form of lust or sexual intercourse in the pre-lapsarian context. However, Mary herself was produced from both man and woman, her parents,

of motherhood', in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot, 1999), 101–12.

²⁴ *PL* 217, Sermo XII, col. 510; *PL* 217, Sermo XXVIII, col. 583; Warner, *Alone of All Her Sex*, 62–3.

²⁵ *PL* 217, Sermo XXVII, cols 577–578. Imkamp, 'Virginitas', 352–53, 362.

²⁶ Warner discusses this commonplace image in *Alone of All Her Sex*, 50–67.

²⁷ *PL* 217, Sermo XXVIII, cols 581–82.

²⁸ *Ibid.*; Imkamp, 'Virginitas', 356–59.

²⁹ *PL* 217, Sermo XXVIII, col. 581. 'Illa fuit sine culpa producta, sed produxit in culpam ...'

(Joachim and Anne). She *was produced in sin* but produced without sin.³⁰ Thus, while affirming in some sense an ‘immaculate conception’ of Eve as well as the virginity of Mary, Innocent rejected the Immaculate Conception of Mary by her mother Anne.

Two other passages in the pope’s writings confirm his denial. In a hymn to the Virgin, attributed to Innocent III, the verses read:

Oh virginal sweetness,
 Never was there, nor is there such
 among those born of women.
 The Creator of all things
 chose you as His mother
 He who *purified the sinful Mary from guilt*. [my emphasis]
 May he by virtue of your prayer
 Cleanse me from all sins
 Lest Hell engulfs me . . .³¹

Presumably, God purified Mary from the guilt (*reatus*) that arose from original sin that made her a sinner (*peccatrix*) at her conception.

Unlike Bernard of Clairvaux, the pope more fully explained this “divine cleansing” of the Virgin as a twofold process in another sermon preached on the Feast of Mary’s Purification, a ritual she underwent in the Temple after giving birth to Jesus. First, the Holy Spirit had come to Mary *after* her conception while she was in the womb of Anne and had cleansed her soul from original sin. Secondly, at the Annunciation, after she had consented to God’s salvific plan, He also overshadowed her and cleansed her flesh from concupiscence or the weakness of nature (*fomite peccati*). She was thus wholly without blemish and ready to become the mother of God.³² Innocent

³⁰ Ibid. ‘. . . haec autem fuit in culpa producta, sed sine culpa produxit’. It was not until the Late Middle Ages when Anne received greater attention in the West. See Kathleen Ashley and Pamela Sheingorn ed., *Interpreting Cultural Symbols: Saint Anne in late medieval society* (London, 1990).

³¹ PL 217, Innocentii III Papae Hymnus, col. 919. ‘O dulcedo virginalis,/Nunquam fuit, nec est talis/Inter natas mulierum./Omnium Creator rerum/Te elegit genitricem/Qui Mariam peccatricem/Emundavit a reatu./Ipse tuo me precatu/A peccatis cunctis tergat/Ne infernus me demergat . . .’

³² PL 217, Sermo XII, cols 506–7 ‘Prima fuit virginalis consensio, secunda fuit carnalis mundatio, tertia fuit corporalis formatio . . . Statim autem Spiritus sanctus supervenit in eam; prius quidem in eam venerat, cum in utero matris animam eius ab originali peccato mundavit, sed et nunc supervenit in eam, ut carnem eius a fomite peccati mundaret, quatenus esset sine ruga prosus et macula.’ Imkamp, ‘*Virginitas*,’ 365–67.

therefore rejected Mary's immunity from original sin at the very moment of her conception in the womb of Anne. Yet, he also ultimately reasserted Mary's singular exalted position above all women through a divine purification of female body and soul, both necessary for the Virgin birth.

Innocent never gave an explicit explanation for denying the Immaculate Conception; indeed, he did not treat in any detail the Virgin's physiology at all. Perhaps such a topic was distasteful to a celibate cleric or perhaps it seemed irreverent to even consider it. Nevertheless, we can suggest that the prevailing medieval understandings of human sexuality, female physiology, and Christology influenced his position.

Many twelfth-century theologians, like Bernard noted earlier, had a very jaundiced view of human sexuality and reproduction. Following Augustine's interpretation, they generally believed that original sin was transmitted in normal procreative sexual union due to the inevitable omnipresence of lust.³³ Affirming this idea in an earlier work of his cardinalate, the *De miseria humanae conditionis*,³⁴ Innocent cited passages from Job 15:14 'What is a man that he should be without spot and he that is born of a woman that he should appear just?' as well as from Psalms 50:7 'For behold I was conceived in iniquities, and in sins did my mother conceive me.' He also casts much of his discussion in terms of female reproduction, despite mentioning both parents' necessary involvement in conception.³⁵

Given the pope's Augustinian view of the transmission of original sin in reproduction, he would have regarded the carnal union of Mary's parents, Anne and Joachim, with the same negativity. Mary could not have been immaculately conceived by Anne. Sexual relations with their ubiquitous lust, would have prevented the possibility of sanctification at the very moment of Mary's conception. Furthermore, as an ordinary woman, Anne could not have conceived as a virgin where there would have been no intercourse and hence,

³³ See Pierre J. Payer, *Bridling Desire: Views of Sex in the Later Middle Ages*, (Toronto, 1993), 53–9.

³⁴ Lotario dei Segni (Pope Innocent III): *De miseria conditionis humanae*, ed. Robert E. Lewis (Athens, Georgia, 1978), i.3, 98–9.

³⁵ Ibid. For a general discussion of this text, see Robert Bultot, 'Mépris du monde, misère et dignité de l'homme dans la pensée d'Innocent III', *Cahiers de civilisation médiévale*, 4 (1961), 441–53.

no lust or sin. Such a case would have only degraded Mary's unique claim to virginal maternity.

We can further suggest a certain inexorable logic based on the prevailing medical understanding of the female body that shaped Innocent's rejection of the Immaculate Conception. The effects of original sin included not only fleshly concupiscence but also menstruation.³⁶ Innocent would have regarded the permeable body of Mary's mother, Anne, like the bodies of all women, as the *locus* not only for sin but also for pollution. Menstrual blood nourished the fetus, a blood that, according to Innocent, was so detestable and unclean that, 'on contact with it, crops do not germinate, orchards wither, plants die, trees drop their fruit; if dogs eat it, they are transported into madness.'³⁷

Despite the pollutive nature of the menses, they were absolutely necessary for the fertility of women and later for lactation. According to the medieval view of female physiology, based on Aristotle, the menses provided the matter which accumulated in the womb and was acted upon by the semen which gave form to the fetus.³⁸ It was also widely believed, as described by Isidore of Seville in the seventh century, that after birth, the remaining menses flowed upward to the breasts and became transformed into milk for the infant.³⁹

Innocent's writings revealed that Mary's body, like those of ordinary women, also was involved in the processes of the menses and lactation and so she too suffered these two effects of original sin. Mary's menstrual cycle was hinted at in a sermon where the pope describes that after the purification of Mary's body by the Spirit which took away concupiscence (*fomitem peccati*), the human body of Christ was formed from *the most pure blood* of the Virgin.⁴⁰ Presumably, this was the blood in her womb. Of course, it is through divine

³⁶ Charles T. Wood, 'The Doctor's Dilemma: sin, salvation, and the menstrual cycle in medieval thought', *Speculum* 56 (1981), 710–27, at 713–14.

³⁷ *De miseria*, 100–1.

³⁸ Aristotle, *Generation of Animals*, trans. A.L. Peck, Loeb Classics (Cambridge, 1943), 1. 20, 101, 103, 109, 113; Wood, 'The Doctor's Dilemma,' 715, n. 17; 716.

³⁹ Isidore of Seville: *Etimologias*, ed. Jose Oroz Reta and Manuel A. Marcos Casquero, Biblioteca de Autores Cristianos, 2 vols (Madrid, 1983), ii, 11.1.77, 26; Wood, "Doctor's Dilemma", 719.

⁴⁰ *PL* 217, Sermo XII, col. 507. 'Ideoque secunda via, scilicet carnis mundatio, debuit praeprari. Mox autem de purissimis sanguinibus gloriosissimae virginis, corpus redemptoris spirituali quadam operatione formavit . . .'

intervention that the feminine blood, usually a locus for pollution, in this special case of Mary is ultimately sanctified. The Virgin also lactated. As the pope described in one of his hymns:⁴¹

Through the love of your [Christ's] mother,
Whose womb bore you
And who trembling, *nursed you with sweet milk*, [my emphasis]
I, a supplicant pray to you through her . . .

Thus we can argue that according to the current medical theory, if Mary had been conceived without original sin, she would have lacked a normal menstrual cycle and could neither have borne nor nursed a child. Certainly, an all powerful God could have miraculously intervened and caused a child to develop in her womb, but that would have made Mary merely a vessel who contributed nothing to Jesus. He would not have received her human nature from the blood of her womb and hence, not being truly man as well as God, he would have been unable to atone and redeem the sins of humanity.⁴² It is certainly no accident that in his sermon on Mary's Purification, the pope quoted from the pseudo-Athanasian creed '*Quicumque vult*', a text much used among twelfth-century theologians in discussions about Christ's nature: '*. . . et factus est homo, ex anima rationali et humana carne subsistans*'.⁴³ Innocent denied the Immaculate Conception because Mary's conception *with* original sin meant she would experience its effects on female physiology. Her normal physiology was required not only by medieval medical theory but also by Catholic Christology.

Indeed, a major obstacle for Catholic theologians in accepting the doctrine of the Immaculate Conception of Mary also concerned another aspect of Christology. Both Bernard and others such as Thomas Aquinas in the thirteenth century, argued that Mary's immunity from original sin would have caused her not to need Christ's redemption and diminished His honor as the universal redeemer of

⁴¹ *PL* 217, Hymnus, col. 919. 'Per amorem tuae matris,/Cujus venter te portavit,/ Et te dulci lacte pavit:/Te per ipsam oro supplex . . .' See also *PL* 217, Hymnus, col. 918 'Virgo dulcis et serena/Sancta parens Jesu Christi/Electa sola fuisti./ Esse mater sine viro/Et lactare modo miro.' I would argue the miraculous lactation noted here is because Mary is a virgin mother and virgins do not naturally lactate. This miracle does not refer to the fact that she lactated without menstruating, given the current medieval reproductive theory.

⁴² Wood, 'Doctor's Dilemma', 719.

⁴³ *PL* 217, Sermo XII, col. 507. I would like to thank Christoph Egger for this observation.

all humanity.⁴⁴ Finally in the late thirteenth/early fourteenth-century, the theologian Duns Scotus (1226–1308) would help solve the dilemma by arguing that God so willed to give Mary's soul such grace at conception that no original sin afflicted her. That grace was Jesus' *preservation* of Mary from original sin and it was as important, if not more so, than her redemption from it. Scotus' solution would open the way to the acceptance of the Immaculate Conception as Catholic dogma in the nineteenth century.⁴⁵

Innocent III does not provide explicit reasons for rejecting the Immaculate Conception. Nevertheless by probing the pope's copious theological writings,⁴⁶ the evidence uncovered reaffirms Doncoeur's criticism of d'Argentré's conclusions and calls into question his limited analysis based solely on canon law sources. These theological texts and the medieval medical context reveal that both attitudes towards sexuality and the female body were influential factors in the pope's denial of the Immaculate Conception and its liturgical feast. We also find an intriguing paradox. Innocent, stressing the virginal motherhood and enclosed body of Mary, exalted her above all ordinary women. Yet, orthodox Christology required Mary to possess normal ordinary female physiology and bodily functions, the effects of original sin, in order to ensure the fullness of Christ's humanity.

⁴⁴ St. Thomas Aquinas, *Summa theologiae*, trans. Thomas R. Heath O.P. (Blackfriars, 1969), iii, q. 27 a. 2; Pelikan, *Mary*, 195; Balič, 'Medieval Controversy', 192, n. 150, 152.

⁴⁵ Balič, 'Medieval Controversy', 204–10; Pelikan, *Mary*, 196–97.

⁴⁶ Innocent III as a theologian is discussed by Christoph Egger, 'A Theologian at Work: some remarks on methods and sources in Innocent III's writings', in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot, 1999), 25–33 and idem, 'Papst Innocenz III als Theologe. Beiträge zur Kenntnis seines Denkens im Rahmen der Frühscholastik', *AHP* 30 (1992), 55–123.

POPE INNOCENT III AND USURY

John C. Moore

A number of studies of the theory and practice of usury in the twelfth and thirteenth centuries have come to certain common conclusions that can be summarized like this.¹ Up until about 1200, canon lawyers and theologians were unanimous in their condemnation of interest-taking of any sort. Lending money was approved, but the Christian lender could not require the borrower to repay any more than the principal. At the same time, the expanding economy of the twelfth century—and often economic hardship—was creating a growing demand for credit, and that demand was being met by a number of devices, some of them clearly in conflict with the doctrine of the theorists. Then in the course of the thirteenth century, some thinkers began to distinguish between usury and certain forms of interest-taking, although the theories were not widely accepted for several hundred years, and strict moralists were to continue to condemn all interest-taking as usury right into the modern period.²

The pontificate of Innocent III falls within this two-century long development. Scholars have commonly placed him among those who campaigned against usury,³ but in fact, he seems to have differed

¹ I am very grateful to the editors of this volume for their helpful suggestions.

² T.P. McLaughlin, 'The Teaching of the Canonists on Usury (XII, XIII, and XIV Centuries)', *Mediaeval Studies*, 1 (1939): 81–147; 2 (1940): 1–22; John T. Noonan, Jr., *The Scholastic Analysis of Usury* (Cambridge MA, 1957); Jean Ibanès, *La doctrine de l'église et les réalités économique au xiii^e siècle: L'intérêt, les prix et la monnaie* (Paris, 1967); Lester K. Little, *Religious Poverty and the Profit Economy in Medieval Europe* (Ithaca, 1978); Jacques le Goff, *Your Money or Your Life: economy and religion in the middle ages* (New York, 1988); Amleto Spicciiani, *Capitale e Interesse tra Mercatura e Povertà nei teologi e canonisti dei secoli XIII–XV* (Rome, 1990); Odd Langholm, *Economics in the Medieval Schools: wealth, exchange, value, money and usury according to the Paris theological tradition: 1200–1350* (Leiden, 1992); Joel Kaye, *Economy and Nature in the Fourteenth Century: money, market exchange, and the emergence of scientific thought* (Cambridge, 1998).

³ See William Chester Jordan, *The French Monarchy and the Jews: from Philip Augustus to the Last Capetians* (Philadelphia, 1989), 44; G. Langmuir, "'Judei nostri'" and Capetian Legislation', *Traditio*, 16 (1960): 203–239 at 207; John W. Baldwin, *Masters Princes and Merchants: the social views of Peter the Chanter & his circle* (Princeton, 1970), 2 vols, 1:297, 343; John Hine Mundy, *Society and Government at Toulouse in the Age of the Cathars* (Toronto, 1997), 184–185.

considerably from those reformers of his day who attacked interest-taking. The purpose of this paper is to try to determine Innocent's opinions on the subject and to place him in the context of the theoretical and economic evolution of his time.

The theoretical condemnation of usury was solidly based on the Bible and tradition. 'If you lend money to any of my people with you who is poor, you shall not be to him as a creditor, and you shall not exact interest from him' (Ex. 22:25). 'You shall not lend upon interest to your brother, interest on money, interest on victuals, interest on anything that is lent for interest. To a foreigner you may lend upon interest, but to your brother you shall not lend upon interest . . .' (Deut. 23:19–20). These Old Testament texts were reaffirmed in the gospel of Luke: '... lend, expecting nothing in return . . .' (6:35). Condemnations of interest-taking were affirmed by the early Christian writers of the patristic period and were enshrined in Gratian's *Decretum* in the middle of the twelfth century.⁴ Innocent's contemporaries from the 'school of Peter the Chanter' seem to have been unanimous in their condemnation of usury. The most famous preachers of the day, Jacques de Vitry and Foulques de Neuilly, vigorously condemned usury, and Robert Courson went out of his way to attack usury, both as a Paris master and then as Innocent's cardinal legate in France.⁵ Robert established himself early as a fierce reformer and opponent of all forms of interest-taking. The *Summa* written while he was a Paris master contained a lengthy discussion of usury in its various forms and condemned them all. Robert's discussion showed that he was intimately familiar with the business practices of his day but was willing to make no concessions to business needs. He even considered it a mortal sin to borrow at interest, since the borrower thereby led the lender into sin—though he did permit some exceptions, as mentioned below.

The theoretical condemnations of usury were no doubt strengthened by the practical experience of Innocent and his contemporaries. Famine in France in the 1190s had made the poor especially vulnerable to the extortionate practices of predatory lenders, and usury

⁴ D. 46 c. 5, c. 10; D. 47 c. 1–5; C. 14 q. 4 c. 1–12.

⁵ Baldwin, *Masters, Princes, and Merchants*, i, 296–311; Jessalyn Bird, 'Reform or Crusade? Anti-usury and crusade preaching during the pontificate of Innocent III', *Pope Innocent III*, 165–185.

often appeared in contexts of general moral decay, as was the case concerning reports of men and women in Verona, said by their bishop to be guilty of heresy, adultery, usury, and other vices.⁶ In the thirteenth century, when most thinkers were arguing that usury was inherently wrong, at least two distinguished canon lawyers saw the real evil of usury to lie in the unhappy moral and social consequences, the greed and the misery, they attributed to usury.⁷

At the same time that these condemnations were being voiced, however, the economic development of twelfth-century Europe produced a growing demand for credit. The demand was met in a variety of ways. Undoubtedly, Christian money-lenders simply violated the prohibitions against usury. The repeated condemnations of lending at interest make it abundantly clear that the practice was flourishing. There was also a general acceptance of money-lending at interest by Jews. Jewish law forbade Jews to lend to one another, but not to lend to non-Jews. Innocent had harsh things to say about Jewish money-lenders, but that was mainly in the context of Jews' charging excessive interest and acquiring forfeited collateral that included Christian liturgical objects as well as land from which tithes had previously been paid.⁸ As will be seen below, he also placed restraints on Jews by granting crusaders exemption from interest payments. But Innocent never questioned the right of Jews to lend money at interest; and canon 67 of the Fourth Lateran Council in effect affirmed their right to do so by forbidding them to charge 'oppressive and excessive' interest.⁹ This attitude was in strong contrast to

⁶ *Reg. Inn.* 3:60, no. 33 (34).

⁷ Sinibaldo de' Fieschi (Innocent IV) and Henry of Susa (Hostiensis). See Spicciati, *Capitale e interesse*, 65.

⁸ For example, his letter to the count of Nevers, *PL* 215, 1291–1293 = *Reg. Inn.*, 10, no. 190; English trans. in Robert Chazan, ed., *Church, State, and Jew in the Middle Ages* (New York, 1980), 174–176. Note: *Reg. Inn.* 9–16 have not appeared in the Austrian edition as of this writing, but references to papal year and letter numbers are provided in this article as a convenience to readers who will have access to those volumes in the future.

⁹ '... graves et immoderatas usuras'. Ibanès mistakenly suggests that Innocent prohibited interest-taking by Jews (*La doctrine de l'église*, 17). He was probably misled by reading *Post miserabile* as found in X 5.19.12, where the text of the whole letter (as found in *Reg. Inn.*, 1:503–504, no. 336) is so abbreviated that it does not make clear that Innocent was speaking only of interest owed to Jews by crusaders. The same error is made by Spicciati, *Capitale e interesse*, 20—and perhaps by some medieval canonists.

that of Robert Courson who asserted that any money that a Jew had as the result of interest was not really his.¹⁰

There were, moreover, many other devices for raising capital without recourse to Jewish lenders or to flagrant Christian usurers. Money could be invested—not lent—by a group associated for a particular commercial venture. They shared the risk of loss as well as the hope of gain. Perfectly legitimate. Or a wealthy man could enter into a partnership with a traveling merchant, one providing the money, the other the labor, with a contract to divide the profits (and share the risk). Also legitimate in everyone's eyes. Again, it was legitimate to specify at the time of a loan that an additional fine must be paid if the repayment was not made on the date fixed. It was very difficult, however, to distinguish between that legitimate practice and the very same device used as a way to charge interest—both the lender and the borrower knowing that the payment would be late and that therefore the additional fine would be paid.¹¹

Another questionable practice was the use of letters of exchange. A merchant could borrow money in Genoa to be repaid in a different currency in Bruges at some later date. Since no one could say with certainty what the exchange rate would be in the future, no one could say that more would be repaid than had been borrowed, but the lenders were no doubt reasonably confident of a decent profit. This kind of loan, called a *cambium*, was an important business instrument until other forms of interest could be recognized.¹²

Other devices were associated with real property used as collateral. Suppose I have 100 acres of land, the annual net profit from which is \$300. If I want to turn over my land to you as collateral for a loan of \$1000, I may do so, according to the theorists, but you as the lender are forbidden to collect more than the principal, and you must count the produce of the land as payment toward the principal. Now some lenders may have been sufficiently altruistic to abide by the letter of the law, but in fact, it would be much more

¹⁰ Georges Lefèvre, *Le Traité 'De Usura' de Robert de Courçon: Texte et traduction publiés avec une introduction*, Travaux et mémoires de l'Université de Lille, tome 10, mémoire n. 30 (Lille, 1902): 52–53.

¹¹ See the works cited in fn. 1 for discussions of these methods.

¹² Raymond de Roover, 'The *Cambium Maritimum* Contract According to the Genoese Notarial Records of the Twelfth and Thirteenth Centuries', *Economy, Society, and Government in Medieval Italy. Essays in memory of Robert L. Reynolds* (Kent, Ohio, 1969), 15–33, at 19.

likely that in order to persuade you to make the loan, I would agree ahead of time that the income would only be \$100, to be applied toward the principal, knowing that you would actually collect \$300 in income. The result would be a 20% return on the loan. Similar transactions could be made to look even more legitimate if they were called 'rent', rather than 'loan'. All the moralists accepted rent as a legitimate practice. I need to borrow \$250. Instead of borrowing from you with my 100 acres as collateral, I rent it to you for one year at \$250. At the end of the year, you, the 'renter', have a profit equal to the year's produce (\$300) less the \$250 rent you paid, that is, \$50, a 20% return on your investment.

A further variation of this pattern, commonly called a *census*, was for me to sell you my hundred acres for \$1000, but with the understanding, explicit or implicit, that you would be required to sell it back for the same sum at some future date. As long as you held the land, you would be receiving the year's produce, a 30% annual return on your investment. In many instances, the land did not really change hands; merely the income, the *census*, was purchased. This device was widely used in southern France in Innocent's day and was later exported to the New World by the Spanish. A recent study has shown a convent of nuns acting as major creditors in Peru, using this *censo consignativo* right into the nineteenth century.¹³

In sum, the demand for credit, the opportunity for profit, the variety of devices available, and the moralists' lack of power to enforce their views meant that a great deal of borrowing at interest was going on during the time of Innocent III. What did he make of that confusing picture?

In the first year of his pontificate, Innocent issued the letter *Quam perniciosum* that was clearly based on the intellectual consensus of his day. It was addressed to the prelates of France and its purpose was to prevent usurers from escaping justice by invoking the appellate jurisdiction of the papacy. It is here quoted in its entirety:

We do not believe your discretion to be ignorant of how pernicious is the vice of usury, since, besides canonical constitutions which have

¹³ Mundy, *Society and Government at Toulouse*, 211; Noonan, *The Scholastic Analysis of Usury*, 160–1; Kathryn Burns, *Colonial Habits: convents and the spiritual economy of Cuzco, Peru* (Chapel Hill, 1999), 64–67 et passim.

arisen from the hatred of usury, it is given to be understood through the prophet that those who give their money for usury should be repelled from the tabernacle of the Lord, and since in both the New and Old Testaments, usury is prohibited. The Truth himself warns, 'lend, expecting nothing in return . . .' [Luke 6:35], and through the prophet it is said 'You will not take usury and every over-payment' [Ex. 22:25, Ez. 18:17].

Whence it is that we command all of you through apostolic letter that you not permit manifest usurers—especially those publicly established as usurers—to find protection in the subterfuge of any appeal [to the papacy] when anyone sues them for usury.¹⁴

Given the intellectual environment of the time, it is not surprising that Innocent should write such a letter, nor is it surprising that the letter was enshrined in canon law. What is surprising is that this was the first and last time he would devote an entire letter to the evils of usury—and even here, the main subject is not really usury but the misuse of appeals to the papacy. Innocent's only unqualified condemnations of usury appear in three of his sermons. There he states briefly that profits derived from usury, like certain other forms of ill-gotten gain, could not be given as alms because the usurer had not really acquired legitimate ownership of that money—it was not his to give. It should be noted, though, that these are three sentences out of more than seventy sermons, that the sermons date from early in his pontificate, probably no later than 1205, and that even here, he may have had in mind mainly the kind of interest-taking that exploited the poor.¹⁵

As for his letters, usury was certainly to come up many times during his papacy, but never again in his eighteen-year reign, so far as I know, was it the single vice being condemned, never again were the scriptural and canonical foundations of the condemnation provided. Rather, usury appears in a number of different contexts and its condemnation is always conditional rather than absolute.

One set of letters condemns usury, but usury practiced specifically by clergy. Gratian's *Decretum* gave special attention to this sin of the

¹⁴ *Reg. Inn.* 1:598, no. 399 (28 October 1198) = X 5.19.11. Except for quotations from the Bible, all translations are mine unless otherwise indicated.

¹⁵ *Sermones de tempore*, 26 and 29, *PL* 217:432, 447; and *Liber de elemosyna*, *PL* 217:758. The latter work, or at least the parts that include this reference to usury, was probably part of the original collection of sermons, which dates from about 1201–1205. See John C. Moore, 'The Sermons of Pope Innocent III', *Römische Historische Mitteilungen* 36 (1994): 81–142 at 85–87, 113.

clergy¹⁶ and Innocent was bound to condemn it. But usury appears in these letters as one item in a list of other sins or crimes. Innocent told the bishops of Limoges (in 1198) and Modena (in 1199) to ignore appeals to Rome from clergy trying to escape episcopal discipline.¹⁷ The appellants were charged with usury, but also with illicit business, forbidden entertainment, and concubinage. In 1205, he urged the bishop of Tournai to reform the clergymen in his diocese who were guilty of usury, adultery, and publicly keeping concubines.¹⁸ Later the same year, he wrote in almost identical terms to the bishop of Winchester.¹⁹ But in each of these cases, Innocent was clearly concerned with the morals of clergy, with the fact that their behavior, of which usury was only one part, was 'contrary to clerical virtue'. In none of the cases did he dwell on the evils of usury itself.

Another set of letters has to do with borrowers seeking papal deliverance from interest payments. One would expect that, given the general prohibition of usury, many borrowers would have appealed to the pope to have their interest debts quashed and that there would be many papal letters in response. In fact, there are only a few letters of this sort surviving, and Innocent's responses do not suggest that he had much sympathy for the complaint. The pope invoked a principle from Roman law²⁰ to rule that borrowers could not seek redress for having to pay interest if they themselves were interest-takers. Only if they first returned whatever interest they had collected during their lives could they seek legal redress for usury they had paid. This was the gist of a letter of 1205 against one Vitalis in Germany trying to get back interest he had paid. The letter was later incorporated into canon law.²¹ In an undated letter to the bishop of Bologna, also incorporated into canon law, Innocent dealt with a case in which a certain Michael and his father were complaining

¹⁶ D. 46 c. 10; D. 47 c. 1, 2, 4, 5; C. 14 q. 4 c. 1-7.

¹⁷ *Reg. Inn.* 1:480-481, no. 330; 2:20, no. 13.

¹⁸ *Reg. Inn.* 7:375, no. 213.

¹⁹ *Reg. Inn.* 8:263, no. 147 (146).

²⁰ 'In vain does he who has violated the law seek the aid of the law' (*Quia igitur frustra legis implorat auxilium qui committit in legem*). The principle is found, in quite different terms, in Dig. 4.4.37. I am indebted to Professor Kenneth Pennington for this Roman law reference.

²¹ *Reg. Inn.* 8:125, no. 69 (68) = X 5.19.14. In their notes to this letter, the editors of *Reg. Inn.* 8 also call attention to Roman law antecedents in Dig. 23.2.48.1 and Cod. 6.30.22.12.

about having to pay usury to other lenders. Innocent told the bishop not to proceed unless Michael and his father first restored all the interest that they had taken in their own money-lending.²² We have no further records of either case, but the tone of the letters suggests that Innocent thought that his directives would be the end of the matter.

The practice of disguising a loan at interest by making it look like a sale came to Innocent's attention, but not as we might expect. In one case, a man lent money in return for possession of land (with its income), but he and the borrower called the transaction a sale, even though they agreed that the land would be returned when the price paid was returned to the lender/buyer. The trouble arose when the lender refused to accept the money and claimed that he had bought the land outright, even though, so the pope was told, the produce of the land had given the lender income beyond the principal. Innocent pointed out that even the written agreement explicitly provided for the return of the land. He ordered the land returned when the original price was returned, providing also that the income derived from the land should count against the principal lent.²³ If the lender refused, he was to be punished under the canons forbidding usury. Innocent thereby deprived the lender of his expected interest, but he mentioned no punishment for the original usurious arrangement, and of course if the lender had stuck to the original agreement, taken his profit, and returned the land, Innocent would not have been involved at all.

The best-known context for Innocent's references to usury is the famous exemption from usury that he offered to crusaders, following the example of his predecessor.²⁴ His first call for a crusade, issued 15 August 1198, included an order that any crusader who had sworn to pay interest on a loan should not be held to that oath. Prelates were to see that money-lenders absolved borrowers from the oath and refunded any interest already paid. It is worth noting that Innocent included both Christian and Jewish lenders, apparently

²² Pott. 5039 = X 5.19.17.

²³ *PL* 215:1190 = *Reg. Inn.* 10, no. 92.

²⁴ At the council of Montpellier in 1195, the papal legate Michael told the bishops to force lenders to release borrowers from oaths to pay usury if the borrowers were going to Spain to fight the Muslims. Mansi, 22:669.

accepting them both as a fact of life. No penalties were set forth for punishing the Christian lenders, and the fact that the exemption was only for crusaders implied that non-crusaders would be expected to pay interest they owed under oath.²⁵ In a second call for crusaders the following year, the exemption was offered with identical words.²⁶ The assumption seems to be that except for crusaders, usury would continue, business as usual.

In March of 1208, Innocent called for a crusade against heretics and their protectors in southern France, and again he offered crusaders an exemption from interest, but with some variations. In a letter to several French prelates, he said nothing about debtor's oaths to pay interest. He simply said that interest was not to be charged while the crusading debtor was away.²⁷ The clear implication is that the interest would resume upon the crusader's return. The following October, another wrinkle appeared. Innocent added to the standard exemption the instruction that prelates should try to induce lenders 'as well as you can' to extend the set term for the payment of debts until the crusading debtors had returned from the crusade. The motive offered for the lenders to do so was 'so that they may finally enjoy participation in the reward of those whose battle they are promoting with such aid'.²⁸ There is a remote possibility that this directive was intended merely to postpone the payment of interest-free loans. A far more likely explanation is that lenders had adopted the practice of collecting interest by making it a penalty for late payment, thereby nullifying the exemption from usury provided by earlier papal privileges. It also seems inevitable that Innocent was well aware of this widely known method for collecting interest. Nevertheless, in this letter, he raised no objection to the practice

²⁵ *Reg. Inn.* 1:493–505 at 503, no. 336. English translations of this and other letters regarding the crusade can be found in Alfred J. Andrea, *Contemporary Sources for the Fourth Crusade* (Leiden, 2000).

²⁶ *Reg. Inn.* 2:490–497, no. 258 (270).

²⁷ *PL* 215:1348 = *Reg. Inn.* 11, no. 11. It was important, he said, '*ut debitores qui alieno aere tenentur, a creditoribus suis cessantibus interim expectentur usuriis quandiu ibi pro negotio fidei laborabunt...*'.

²⁸ *PL* 215:1469–1470 = *Reg. Inn.* 11, no. 158. The same terms were repeated a year later: *PL* 216:158–160, *Reg. Inn.* 12, no. 136. John Mundy mistakenly understands these letters to be a blanket condemnation of usury and considers them to be an expression of Innocent's commitment to 'economic brotherhood'. John Hine Mundy, *Society and Government at Toulouse in the Age of the Cathars* (Toronto, 1997), 184–5.

itself. The advice to the prelates is simply to do the best they can to persuade lenders to extend the term of the loan. The lenders are to be motivated by the promise of eternal reward and there is no threat of punishment for those who decline to cooperate. In addition, the letter again seems to assume that for borrowers who do not enjoy the crusaders' privilege, it is business as usual.

The crusade was also the occasion for most of Innocent's pronouncements about Jewish money-lending. The letters that exempt crusaders from interest owed to Christian money-lenders also provided that Jews were to offer the same benefit or be shunned by all Christians.

There is other evidence that Innocent—and many other prelates—accepted lending at interest as a fact of life. Robert Courson complained bitterly that usurers were welcomed into the courts of prelates and princes and that they were even defended by bishops, archdeacons, and rural deans.²⁹ Innocent certainly knew that clergy throughout Christendom were borrowing at interest. In December 1199, he informed the prelates of Christendom that they were required to pay an income tax of 2.5% toward the expense of the crusade, but that they could first deduct interest that they could not avoid paying (*prius tamen deductis usuris quarum solutio vitari non possit*). This may be the first time in recorded history that interest payments were allowed as tax deductions, and Innocent was making no effort to quash the obligation to pay interest. The same passive acceptance of clerical borrowing at interest can be seen in a letter of 1205 to Archbishop Guy of Rheims. Apparently members of religious houses had complained that the heads of those houses were borrowing at interest without first consulting the members and that the resulting debt placed unfair burdens on the members. In his response, Innocent set limits on the right to borrow—mainly that the heads were not to borrow more than a sum set in advance by the members of the religious communities—but he did not forbid borrowing at interest.³⁰

It was also common knowledge that petitioners to the papal court relied heavily on money-lenders to finance their business. Monks from the abbey of Evesham borrowed large sums to finance their

²⁹ Courson, *Le Traité 'De usura'*, 58–59, 80–81.

³⁰ *Reg. Inn.* 8:24–25, no. 11.

business in Rome and one of the monks found himself stranded there, having exhausted his credit.³¹ The same thing happened to Gerald of Wales who was so far in debt to Bolognese money-lenders that in order to finance his trip home from Rome, he had to give them as security the very documents he had come to Rome to obtain. He even borrowed from Innocent himself and from Cardinal Octavian—presumably without interest.³² The monks of Canterbury did a great deal of business in Rome and they financed their delegations there by borrowing money from Italian merchants to be repaid in London.³³ In 1209, the agents of Archbishop Siegfried of Mainz were in Rome, where they borrowed an unknown sum to be repaid in the form of 150 silver marks at the next fair in Cologne.³⁴ There can be little doubt that these debts included profit for the lenders and that Innocent was aware of this very common practice. In a letter from early 1214, discussing the mismanaged affairs of the bishop of Treviso, he included a plan to pay off the bishop's debts, accepting in a matter of fact way that the debt included interest.³⁵

But by far the most direct evidence of Innocent's acceptance of some borrowing at interest is that in a situation of 'urgent necessity and evident utility', he himself was willing to borrow at interest. In 1202, when Walter of Brienne was on his way into the kingdom of Sicily to join the papal campaign against Markward of Anweiler, Innocent instructed his justiciar for Apulia and Terra di Lavoro to provide funds to support Walter. One method that Innocent authorized was to pledge the papal income from the area as security for a loan to be sought from merchants, 'even at interest' (*etiam sub usuris*).³⁶ It is even conceivable that the strict Robert Courson would have approved this action. In a brief and rather obscure passage in his

³¹ David Knowles, *The Monastic Order in England: a history of its development from the Times of St. Dunstan to the Fourth Lateran Council, 940–1216*, 2nd edn (Cambridge, 1963), 336–339.

³² Giraldus Cambrensis, *Opera*, ed. J.S. Brewer, i, *RS*, 21/iii (London, 1861), 286–7.

³³ Mavis Mate, 'The Indebtedness of Canterbury Cathedral Priory, 1215–95', *Economic History Review*, 2nd ser. 26 (1973): 183–197 at 184.

³⁴ Glen Olsen, 'Italian Merchants and the Performance of Papal Banking Functions in the Early Thirteenth Century', in *Economy, Society, and Government in Medieval Italy. Essays in memory of Robert L. Reynolds*, ed. David Herlihy, Robert S. Lopez, and Vsevolod Slessarev (Kent, Ohio, 1969), 43–63, at 52.

³⁵ *PL* 216:948–50 = *Reg. Inn.* 16, no. 160.

³⁶ *Reg. Inn.* 5:168, no. 84 (85).

treatise on usury, he had said that it was licit to borrow at interest 'for the sake of the poor . . . , for the church, and for urgent necessity'.³⁷

Beyond the fact that many clerics were borrowing at interest, there is additional evidence that many prelates had misgivings about the traditional, unqualified condemnation of usury. The decree against usury adopted by the second Lateran council in 1139 was extremely harsh and uncompromising.³⁸ By the time of the third Lateran council, in 1179, the prelates again decried the fact that 'many, omitting other business, practise usury as if it were permitted'. But the tone was not as severe as at the earlier council, and this time punishment was provided only for *usurarii manifesti*, commonly translated as 'manifest' or 'notorious' usurers.³⁹ That phrase came to be understood as those who advertised themselves as money-lenders, displaying signs or the like. The target of the modified prohibition may have been pawn-brokers, specializing in small consumer loans. The phrase 'omitting other business' may have implied that money-lending as part of other business enterprises was going to be tolerated, if not in the confessional, at least in the public forum. When Innocent authorized his justiciar to borrow at interest, he may have found some justification in this wording since he specified that the loan was to be sought from 'merchants'. In any case, the Paris master Peter the Chanter complained that prelates at Lateran III had made things much easier for usurers,⁴⁰ and other moralists of Innocent's time were critical of prelates who tolerated the practice of usury within their territories.⁴¹

By the time of Innocent's Lateran IV, the condemnation of usury was even more circumspect. The opening sentence of canon 67 suggests that Christian money-lending had in fact been restrained, but it then continues to condemn the 'oppressive and excessive interest'

³⁷ '... licitum est, videlicet pro pauperibus . . . et pro Ecclesia et pro extrema necessitate' (Courson, *Le Traité 'De usura'*, 54–55; see also 17–21).

³⁸ *Decrees of the Ecumenical Councils*, 2 vols, ed. Norman P. Tanner, with English translations (London, 1990), 1:200, canon 13.

³⁹ *Decrees of the Ecumenical Councils*, 1:223, canon 25. In this source, 'usurarii manifesti' is translated as 'notorious usurers', but at some point, canon lawyers began to distinguish between 'manifest' as 'widely believed' and 'notorious' as 'widely known'. See James A. Brundage, *Medieval Canon Law* (London and New York, 1995), 146.

⁴⁰ Baldwin, *Masters Princes and Merchants*, 1:300; Raymonde Foreville, *Latran I, II, III et Latran IV*, Histoire des conciles oecuméniques, vol. 6 (Paris, 1965), 208–9.

⁴¹ Le Goff, *Your Money or Your Life*, 47–64.

(*graves et immoderatas usuras*) that Jews were collecting from Christians. That phrase certainly indicated that there was such a thing as moderate interest when collected by Jewish money-lenders and it raised the possibility that there was such a thing as moderate interest charged by Christians. Later theologians and canon lawyers rejected that interpretation, but the general behavior of Innocent and of many other clergy suggests that they privately entertained that possibility. Something similar was certainly going on with secular authorities. In 1211, Philip Augustus forbade barons and seneschals to tolerate usury, and he also provided that the patrimony of usurers was to go to the royal domain. But lending at interest continued unabated in France, with all classes participating.⁴² Apparently, there were even a few theorists of the time who defended interest-taking. In his discussion of usury, Robert Courson refers to the 'pseudo-disciples of Brocard who excuse all these things in their flattery of powerful men'.⁴³

To be sure, Innocent enforced the rules against usury when called upon to do so, but he usually seemed to be doing the minimum the law required. In a letter written probably in 1200, he responded to an inquiry of Bishop Aegidius of Modena, who had asked what to do about usurers who required their borrowers to swear that they would not take legal action to recover interest payments. Innocent told the bishop to force such lenders to refuse to accept interest or, if it had already been paid, to return it, 'lest through their deceit and fraud, it could happen that those who have done this would gain an advantage'.⁴⁴ A similar case in Pisa in 1205 received essentially the same response from Innocent.⁴⁵ In neither case was there a general condemnation of usury, and the "deceit and fraud" may just as well refer to the special oath the lenders were requiring as to the usury itself. Similarly, he observed the letter of the law in response to petitions from clergy. He responded to an inquiry from Bishop William of Auxerre, saying the bishop could apply the penalties found in the legislation of the Lateran council (III) against 'manifest usurers' even if there was no accuser, provided there was good

⁴² Ibanès, *La doctrine de l'église*, 89–91.

⁴³ Lefèvre, *Le Traité 'De Usura'*, 52–53.

⁴⁴ *PL* 216:1237 = X 5.19.13. From Innocent's third year (see Pott. 1070).

⁴⁵ *Reg. Inn.* 8:28–29, no. 16.

evidence that the accused were in fact 'manifest usurers'. The context was that Auxerre was notorious for its usurers and that, according to the bishop, the usurers enjoyed the protection of powerful people so that no one dared accuse them of usury.⁴⁶ And in the last year of his pontificate, in response to complaints from the church of Urgell in Spain, he forbade two money-lenders to collect any more from that church than the principal lent.⁴⁷ Presented with the complaint, he could hardly do less, since the lenders had allegedly already been paid more than the principal but were still holding church property as collateral. Each case shows that when called upon to do so, Innocent would observe what the law clearly required, but generally, he did no more than the minimum.

Similarly, when in early 1204 Roman citizens obtained Innocent's help in trying to force their distant debtors to pay what was owed to them, he explicitly, if half-heartedly, excluded interest from the repayment.⁴⁸ The original loan probably included interest, and Innocent would not help the merchants collect that, but neither was there a word of criticism of whatever the original terms may have been. In 1208, he told a priory of nuns in England that they need pay only the principal of the money they owed to Roman merchants, but he added the revealing comment that he thought the merchants had shown 'very considerate treatment of you in limiting themselves to their principal'.⁴⁹

In 1214, the activity of his legate Cardinal Robert Courson forced Innocent to balance the demands of the doctrine with his own sense of practical necessity. He had sent Robert into France to promote the crusade and prepare for Lateran IV, but Robert expanded the charge to include attacks on usury. While in France in 1213 and 1214, he pursued the matter with such vigor that he provoked a protest from King Philip Augustus and some of his barons, who claimed that Robert's commission concerned the council and the

⁴⁶ *PL* 215:1157 = *Reg. Inn.* 10, no. 61.

⁴⁷ Letter dated 23 January 1216 and published by Paul Freedman in 'Three Letters of Innocent III in La Seu d'Urgell', *Römische Historische Mitteilungen*, 34/35 (1992/1993): 111-120 at 118.

⁴⁸ *Reg. Inn.* 6:365-366, no. 214 (215); 7:30-34, no. 15. In both letters, he uses the phrase 'usuris cessantibus'.

⁴⁹ *Selected Letters of Pope Innocent III*, ed. and trans. C.R. Cheney and W.H. Semple (London, 1953), 100-101, no. 33.

crusade, not usury. Innocent defended his legate, saying that the usury then flourishing in France was impeding the crusade and therefore fell under Robert's commission. But Innocent had chastised Robert on more than one issue for his lack of moderation,⁵⁰ and on this occasion, where the topic was usury, he told the king that he would tell Robert to show moderation, to respect 'honest customs and rational practices', and to leave difficult matters for the general council.⁵¹ Innocent was giving clear signals that he did not share Robert's views on the matter.

One might argue that Innocent was simply being hypocritical, pretending to endorse the rule while in practice not enforcing it, or enforcing it half-heartedly. Perhaps so. But the selective enforcement of laws is a fairly common practice in human history, permitting obsolete laws to be tacitly amended by simple neglect. And the later history of prelates faced with laws they do not really approve indicates a similar behavior. In the second half of the twentieth century, the papacy clearly and unequivocally condemned all forms of contraception, but a very large proportion of the clergy, including prelates, simply avoided the subject. A similar phenomenon in the early modern period has recently been described by J.L. Heilbron. He has shown that in the century and a half after the ecclesiastical condemnation of Galileo, many churchmen, including cardinals and Jesuit scientists, believed the condemnation to have been a mistake. Clerical scientists and mathematicians continued to write from a heliocentric point of view, using the justification that any idea could be entertained and developed, as long as it was labeled a hypothesis rather than a theory.⁵² In any case, churchmen in good standing were tacitly behaving as though the condemnation did not exist, and in time, the condemnation was quietly reversed.

It seems likely to me that early in his pontificate, Innocent came to realize that the condemnation of all forms of interest-taking was ill-advised. The theological and canonical arguments in favor of the condemnation, however, were too powerful for him to try to reverse.

⁵⁰ Marcel and Christiane Dickson, 'Le Cardinal Robert de Courson: sa vie', *Archives d'histoire doctrinale et littéraire du moyen âge*, 9 (1934), 53–142, at 97–99, 112–114.

⁵¹ *PL* 217:229–230 (14 May 1214).

⁵² J.L. Heilbron, *The Sun in the Church. Cathedrals as solar observatories* (Cambridge MA, 1999), 20–22 and *passim*.

For all his 'plenitude of power', he could not challenge the most influential intellectuals and moral reformers of his day, and he could not single-handedly develop the theories necessary to justify moderate interest-taking. Moreover, he undoubtedly wanted to preserve the condemnation of interest-taking that exploited the poor. Anyone with a Christian conscience would have to be troubled at the sight of hungry people borrowing at rates of forty or fifty percent in order to eat, mortgaging and ultimately losing what little property they had. The famine in France in the 1190s had sharpened everyone's sense of the evils attendant upon that kind of usury.⁵³ For these reasons, he was not likely to object when, in 1208, Petrus Beneventanus included *Quam perniciosum*, with its condemnation of usury, in the collection of decretals Petrus put together to send to the university of Bologna.⁵⁴ But it seems clear that as time went by, Innocent did not himself embrace the zealous and unqualified condemnations of interest-taking that characterized people like Cardinal Robert Courson.

Ultimately, theories would appear that made moderate interest-taking acceptable, just as theories would later appear that made the heliocentric view of the universe acceptable to Christianity. In the century after Innocent's death, intellectuals would develop theories allowing lenders to collect the difference—*interesse*—between the amount lent and the amount they would have had if they not made the loan.⁵⁵ John Mundy notes that a French royal ordinance of 1312 forbade usury but at the same time set interest limits of fifteen to twenty-one percent, depending on the duration of the loan.⁵⁶ The ordinance anticipated modern American legislation: usury is still illegal in most states, but it is distinguished from legitimate interest-taking. In all probability, Innocent would have been very sympathetic with those developments. His only contributions to that line of thought, however, were his general reticence about the theory, his apparent acceptance of the practice, his explicit statement to the bishop of Arras that there was no point in trying to prosecute all money-lenders, and his approval at Lateran IV of the phrase 'oppressive and excessive interest', with its implication that there might be such a thing as 'moderate' interest.

⁵³ Michel Mollat, 'La notion de la pauvreté au moyen age: positions de problèmes', *Revue d'histoire de l'église de France*, 52 (1966): 5–23, at 11–12.

⁵⁴ 3 Comp. 5.10.1.

⁵⁵ Little, *Religious Poverty*, 180–183; Noonan, *The Scholastic Analysis of Usury*, 190–192.

⁵⁶ *Society and Government*, 229.

Innocent might be judged unimaginative, weak-kneed, or even hypocritical in all this, but my own opinion is that, given the weight of the traditional condemnations and the heavy agenda he had already set for himself, it was prudent of him not to try for something that would take many more generations of thinkers to accomplish.

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INNOCENT III, THE INTERDICT AND MEDIEVAL THEORIES OF POPULAR RESISTANCE

Peter D. Clarke

The emphasis in Brenda Bolton's scholarship on Innocent III rightly draws attention to his pontificate (1198–1216) as a major turning-point in the history of the medieval papacy and western Church. One of the many striking features of his papacy was his frequent use of the interdict as a political weapon in his conflicts with secular powers, which was to be much imitated by his successors. As is well known, interdicts might be imposed on whole communities, depriving them of religious rites for the faults of their rulers. And Innocent III famously placed interdicts on France (1199–1200) and England (1208–14) to punish their respective kings' violations of ecclesiastical law.¹ As Innocent had written before becoming pope in his treatise *De miseria conditionis humane*, quoting approvingly the poet Horace: 'Whatever wrongs kings commit, their subjects will suffer for'.²

This raises the question: why did Innocent III think it justified to make people suffer for their prince's wrongdoings against the Church? In other words, why punish the innocent along with the guilty under an interdict? On purely practical grounds, the ecclesiastical authorities recognised that it might be more effective than punishing the

¹ Indeed, the only monograph in English on the interdict in the Middle Ages specifically concerns its usage by Innocent: E.B. Krehbiel, *The interdict: its history and its operation with especial attention to the time of Pope Innocent III, 1198–1216* (Washington, 1909); see pp. 110–25 on the French interdict. I am currently writing a book on the interdict in the thirteenth century. The best account of the English interdict is C.R. Cheney, 'King John and the papal interdict', *Bulletin of the John Rylands Library*, 31 (1948), 295–317 (repr. idem, *The papacy and England, 12th–14th centuries* (London, 1982), IX).

² *Lotharii cardinalis (Innocentii III) De miseria humane conditionis*, ed. M. Maccarrone (Lucca 1955), 21. The quotation is from Horace, *Epistulae*, i. 2, 14 (ed. J. Préaux (Paris, 1968), 51). It was also cited by the anonymous *Apparatus* 'Servus appellatur' (c. 1215) on 3 Comp. 1. 3. 4. v. *excessibus*, Bamberg Staatsbibliothek MS Can. 19, fo 120ra: 'Quicquid delirant reges, plectantur Achivi, extra. de spon. Non est vobis et supra. de officio iud. del. Sane quia. li. [1 Comp. 4. 1. 13, 1. 21. 16].' Incidentally 3 Comp. 1. 3. 4 (Reg. Inn. VIII. 212) was a decretal of Innocent III that concerned an interdict on Le Mans.

guilty alone, for it was designed to turn the innocent against the guilty, compelling the latter to make amends. An interdict had had such a desired effect when it was imposed on the count of Vendôme and his lands a century earlier in 1111, according to a letter of Geoffrey, abbot of Vendôme: 'such that all the people, who are not unaware of our injury and his [the count's] wickedness and are much displeased by his iniquity . . . proclaimed against him, and so, since he did not wish to desist voluntarily from unjust action for the love of God, he desisted for both the clamour and fear of men or against his will'.³ Two elements of relevance to this paper stand out here. Geoffrey approved of popular opposition to secular authority where the latter had committed an injustice against clergy, in this case the count's seizure of property claimed by Geoffrey's own abbey. Secondly, this opposition apparently did not take the form of armed resistance but of vociferous protest described as 'clamour', though the 'fear of men', which also compelled the count to submit, perhaps veiled threats of violence and insurrection. In northern France, where Vendôme lay, 'clamour' had a specific meaning in a monastic context.⁴ It was a liturgical ceremony held by monks of that area to invoke the aid of God and the saints against their enemies where there was no other recourse to justice, and lay-people were sometimes involved in making such clamours. This practice was dying out by the early thirteenth century, as it was replaced by judicial sanctions such as excommunication and interdict. But a contemporary source significantly associated two interdicts imposed by Innocent III with popular and allegedly effective clamours against the rulers who had occasioned these sentences.

This source was the *Gesta Innocentii III*, the anonymous chronicle celebrating this pope's achievements down to 1208. The first of these two interdicts that it records was that placed on France in 1199, since its king, Philip Augustus, had abandoned his wife, Ingeborg, despite papal refusal of a divorce. The king's persecution of the clergy who observed the interdict was what supposedly provoked the clamour. 'When all the people clamoured', the king 'being unable to bear the rigour of ecclesiastical severity' sent envoys to Innocent

³ *PL* 157. 84.

⁴ Lester K. Little, *Benedictine maledictions: liturgical cursing in Romanesque France* (Ithaca/London, 1993), esp. pp. 134–7 and 198–99 on popular participation.

III. They complained about his legate who had promulgated the interdict and promised the king's obedience to any judge delegated by the pope to settle the marriage dispute.⁵ It was an approach that eventually led to the sending of a new legate who lifted the interdict on 7 September 1200 after a reconciliation between Philip and Ingeborg in his presence. The second clamour that the *Gesta* reports had an allegedly similar conciliatory effect. It was apparently a reaction to the papal interdict promulgated on England because of King John's refusal to accept Stephen Langton as archbishop of Canterbury. Indeed, not long after the interdict had been proclaimed on 23 March 1208, the king 'being unable to bear this on account of the general clamour' sent envoys and letters offering satisfaction to the pope.⁶ This bid for peace was not to bear fruit however. The author of the *Gesta* ended his narrative in the summer of 1208 and therefore did not record that John was not reconciled with Langton until 1213 and the interdict only lifted the following year.

Can the assertions in the *Gesta* be believed that these interdicts made innocent subjects hostile to their guilty rulers? Older historians have given little credence to the chronicle, dismissing it as a pro-papal panegyric, but recently it has been re-evaluated. Brenda Bolton notably considered it 'too important to neglect'.⁷ Historians now agree that it was written by a curial official close to the pope and that his main sources were the papal registers, extracts from which he incorporated directly into his account. But the registers lend little support to its references to popular clamours. Admittedly,

⁵ *Gesta* c. 53 (PL 214. xcix; D.R. Gress-Wright, 'The "Gesta Innocentii III": Text, Introduction and commentary', unpubl. Ph.D. thesis (Bryn Mawr College, 1981), 74); see the correspondence between Philip and Innocent III in Reg. Inn. III. 186 *et seq.* (17 *et seq.*); PL 214. 895–8.

⁶ *Gesta* c. 131 (PL 214. clxxvii; Gress-Wright, 'The "Gesta Innocentii"', 322).

⁷ B.M. Bolton, 'Too Important to Neglect: the *Gesta Innocentii PP. III*', *Church and Chronicle in the Middle Ages: Essays presented to John Taylor*, ed. G.A. Loud & I.N. Wood (London, 1991), 87–99 (repr. Bolton, *Innocent III*, essay IV). See also Y. Lefèvre, 'Innocent III et son temps vus de Rome: étude sur la biographie anonyme de ce pape', *Mélanges d'Archéologie et d'Histoire De l'École Française de Rome* 61 (1949), 242–5, and W. Imkamp, *Das Kirchenbild Innocenz' III (1198–1216)*, *Päpste und Papsttum* 10 (Stuttgart, 1983), 10–20 (on the manuscript tradition). Various candidates have been proposed recently as author of the *Gesta*: see Gress-Wright, 'The "Gesta Innocentii"', 114*; J.M. Powell, 'Innocent III and Petrus Beneventanus: Reconstructing a Career at the Papal Curia', *Pope Innocent III and his World*, ed. J.C. Moore (Aldershot, 1999), 51–62; G. Barone, 'I *Gesta Innocentii III*: politica e cultura a Roma all'inizio del Duecento', *Studi sul Medioevo per Girolamo Arnaldi*, ed. G. Barone, L. Capo & S. Gasparri, I libri di Viella 24 (Rome, 2001), 1–23, esp. pp. 20–21.

only a fragment survives for the third year (1200–1) of the registers and it does not include the period when popular protest allegedly moved the French king to entreat the pope. However, a letter to the pope from the legate sent to relax the interdict affords some insight into popular feeling under the sentence.⁸ It recounts that the people greeted the legate's arrival and lifting of the interdict with rejoicing, which shows that they were glad to be free of the sentence but says nothing of its effect on popular opinion toward the king. Likewise, evidence of public responses to the English interdict suggests that the laity resented the privations of the sentence but not that they directed such feelings against their king. If anything, they expressed their frustration against the Church for imposing these privations. In August 1213, when Stephen Langton preached before a crowd at St Paul's London, hecklers interrupted his sermon to complain that although he had been reconciled with King John and the occasion for the interdict had therefore ceased, churches still remained closed and silent.⁹ Admittedly, the author of the *Gesta* was correct in claiming that John had sought a reconciliation shortly after the interdict had been imposed. On 27 May 1208 Innocent wrote to Langton telling him of a letter to this effect that he had received from John. But the pope does not suggest that public pressure had prompted the king to make this approach, as implied in the *Gesta*. On the contrary, a contemporary English annalist noted that all the laity, almost all the clergy, and many religious supported the king in his dispute with the pope, at least initially.¹⁰

The assertion of the *Gesta*, that the interdicts on France and England promoted popular resistance against the rulers of those lands,

⁸ *Reg. Inn.* III, 184 (15); *PL* 214, 887–91.

⁹ G. Lacombe, 'An unpublished document of the Great Interdict (1207–13)' [this sermon], *Catholic Historical Review* 15 (1929/30), 408–20, at p. 417. Peter of Blois, archdeacon of London, also noted that when Innocent III mitigated the interdict in favour of conventual clergy in 1209, allowing them to celebrate mass once a week behind closed doors, it provoked scandal among the London populace who remained excluded and regarded this as 'unjust discrimination' (Cheney, 'Interdict', 317; *The Later Letters of Peter of Blois*, ed. E. Revell, *Auctores Britannici Medii Aevi* 13 (Oxford, 1993), 120).

¹⁰ Letter to Langton: *Reg. Inn.* XI, ep. 90; *Gesta* c. 132 (Gress Wright, 'The "Gesta Innocentii"', 322–4). Margam annals: *Annales monastici*, ed. H.R. Luard, *Rolls Series* 36, 5 vols (London, 1864–9), i, 28. Incidentally Margam abbey was one of three Cistercian houses accused of violating the interdict in the early days of the sentence (see C.R. Cheney, *Innocent III and England* (Stuttgart, 1976), 306 n. 12).

thus seems to have had little basis in fact. Not only is the *Gesta* not supported by other sources, including those available to its compiler, it was no eyewitness account to these events but rather a distant 'view from Rome'.¹¹ What, therefore, is to be made of its assertion? Arguably this describes how the *Gesta*'s author, and hence the pope and curial circle for whom he was writing *expected* subjects of the kings of France and England to react to these interdicts rather than how they actually did. As we have seen in Geoffrey of Vendôme's letter of 1111, churchmen had long approved of popular, non-violent resistance to secular rulers who sinned against the Church, and the interdict was intended to bring this about. Geoffrey and the author of the *Gesta* indeed apparently subscribed to what Fritz Kern termed as the ecclesiastical right of resistance.¹² According to Kern, the eleventh-century reform papacy had enshrined the principle that subjects had a right, indeed a Christian duty to resist temporal princes condemned by ecclesiastical authority. Pope Gregory VII and his successors claimed and occasionally exercised a right to depose rulers whom they judged unfit to rule and release the ruled from obedience, and likewise absolve vassals of fealty owed to excommunicate lords. Innocent III was particularly inclined to such interventionism in the temporal sphere, notably in regard to the Empire.¹³ Hence, it is not altogether surprising that his official biographer should approvingly claim that his interdicts on France and England provoked civil disobedience in favour of the Church and against the rulers of these kingdoms, compelling the latter to seek peace with him.

Kern's thesis is admittedly radical and not without its critics,¹⁴ and it is based on the few printed early medieval sources available to him in 1914. Nevertheless, this paper will present evidence that

¹¹ See Lefèvre, 'Innocent III', esp. p. 243, and Bolton, 'Too Important', 97–8.

¹² F. Kern, *Gottesgnadentum und Widerstandsrecht im frühen Mittelalter* (Leipzig, 1914); trans. S.B. Chrimes (but without Kern's appendices and detailed footnotes) as *The Divine Right of Kings and the Right of Resistance in the early Middle Ages* (Oxford, 1939), 81–133, esp. pp. 97–117. A posthumous revised version of Kern's work was edited by R. Buchner (Münster/Cologne, 1954), but it reproduces verbatim at pp. 175–225 Kern's discussion of the ecclesiastical right of resistance.

¹³ For a standard account see H. Tillmann, *Pope Innocent III*, trans. W. Sax (Amsterdam, 1980), ch. 5.

¹⁴ E.g. Magnus Ryan, 'Feudal Obligation and Rights of Resistance', *Die Gegenwart des Feudalismus*, ed. N. Fryde, P. Monnet, and O.G. Oexle, Veröffentlichungen des Max-Planck-Instituts für Geschichte 173 (Göttingen, 2002), 51–78. Ryan effectively challenges Kern's view that the feudal relationship between lords and vassals was essentially contractual and thereby gave vassals an enhanced power to resist their

canonists and theologians in the time of Innocent III advocated popular resistance against sinful rulers, a doctrine to which the compiler of the *Gesta* arguably gave tacit expression and which established a *raison d'être* for the interdict as a political weapon. It will also be shown how the doctrine of such scholars influenced Innocent III, who indeed had once moved in their circles. Innocent and the *Gesta* both state that he had studied theology in the Paris schools as a young man, and he wrote several theological treatises in the 1190s prior to becoming pope, notably the *De miseria conditionis humane* where he had observed that subjects suffered for their ruler's faults. It has long been assumed that he had also studied canon law at Bologna, though Kenneth Pennington has recently contested this view.¹⁵ But even if Innocent's own legal education is uncertain, he was nevertheless advised by trained canonists as pope. Moreover, canonists and theologians belonged to a common intellectual milieu in the late twelfth century, and their disciplines were not as distinct from one another as they would be a century later. Indeed, a remarkable correspondence will be noted below between their ideas on popular resistance, notably those of the theologian Peter the Chanter and of the canonist Huguccio, both of whom are supposed to have taught Innocent. As I have argued elsewhere, these canonists and theologians were engaged in a dialogue, exchanging views on this issue among others.¹⁶

One idea that they shared by *c.* 1150 was that the failure to resist another's sin implied consent to it. This was derived from a gloss attributed to St Ambrose (d. 397) on Romans i. 32, where St Paul had taught that those consenting to another's sin were to be punished along with the sinner; the Ambrosian gloss had distinguished that such consent included passive failure to denounce sin as well as active support for it. Peter the Lombard (d. 1160) and subsequent biblical commentators widely adopted this gloss.¹⁷ Gratian (*c.* 1140)

lords. Ryan, however, is not concerned with the ecclesiastical right of resistance under discussion here.

¹⁵ K. Pennington, 'The legal education of Pope Innocent III', *Bulletin of Medieval Canon Law*, NS 4 (1974), 70–7, and 'Further thoughts on Pope Innocent III's knowledge of law', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 72 (1986), 417–28 (repr. *idem*, *Popes, canonists and texts 1150–1550* (Aldershot, 1993), essays I and II).

¹⁶ P.D. Clarke, 'Peter the Chanter, Innocent III and Theological Views on Collective Guilt and Punishment', *JEH* 52 (2001), 1–20, esp. p. 19.

¹⁷ Peter Lombard on Rom. i. 32 (*PL* 191. 1336); *Glossa ordinaria*, printed with the

had also included texts in his canonical collection which confirmed these principles, that anyone failing to resist another's sin thereby consented to it, and that a like penalty bound those doing wrong and those consenting to it.¹⁸ By the mid- twelfth century, Gratian's collection, known as the *Decretum*, was generally accepted as the standard textbook in canon law schools. Ambrose's distinction between *passive* and *active* consent to sin thus rapidly became a commonplace of canonistic discourse.¹⁹ However, early commentators on the *Decretum* debated *who* might resist others' sins. Christ had instructed his followers in Matthew xviii. 15 to correct brethren who sinned against them, but by the twelfth-century ecclesiastical discipline was reserved increasingly to prelates. Some canonists, including Gratian himself, therefore argued that the duty to correct others' sins and the consent implicit in the failure to do so only applied to prelates. In Ambrose's gloss and Gratian's texts this obligation to resist sin was qualified by the phrase 'cum potest' (when one can), no doubt associated with the idea of 'potestas' (power) in the minds of these canonists.²⁰ Other canonists, however, did not interpret such coercive power so strictly. Rufinus (c. 1164) taught that prelates and subordinates (*minores*) might both be at fault if they failed to resist another's sin, but subordinates were less guilty, unless a serious crime that they might easily prevent was concerned, like murder. His contemporary, Stephen of Tournai, went further still. He argued that a subject was to resist a prelate's error, as well as vice-versa, and that he might do so verbally, by formal accusation where he had proof, though he might not coerce a prelate physically as a prelate might do to him.²¹ Subjects of an ecclesiastical superior thus had a duty to resist his wrongs by non-violent means.

Biblia latina in 4 vols (Strasbourg, 1480–81/repr. Turnhout 1992), iv. 277ra (on Rom. i. 32).

¹⁸ D. 83 *dictum ante* c. 1, cc. 3–5; D. 86, cc. 1, 3; C. 2 q. 1 c. 10; C. 17 q. 4 c. 5.

¹⁹ P.D. Clarke, 'A Question of Collective Guilt: Popes, Canonists and the Interdict c. 1140–c. 1250', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 85 (1999), 104–46, esp. pp. 107, 119–36.

²⁰ See *ibid.* pp. 120, 124. See also n. 22 on Peter Comestor, who shared this canonistic view.

²¹ Rufinus, *Summa Decretorum*, ed. H. Singer (Paderborn, 1902), 173 (gloss on D. 83 *dictum ante* c. 1 v. *providendum*); Stephanus Tornacensis, *Summa decreti*, ed. J.F. Schulte (Giessen, 1891), 105–6 (gloss on D. 83 c. 3 v. *cui non resistitur*). Their glosses were copied by Johannes Faventinus into his *Summa* on the *Decretum* at D. 83 *dictum ante* c. 1 v. *providendum* and D. 83 c. 3 v. *rektor* (BAV, MS Borgh. Lat. 71, fos 56ra, 56vb). Rufinus and Faventinus are cited in n. 22.

When the theologian Peter the Chanter (d. 1197) came to comment on Christ's command on fraternal correction in Matthew xviii. 15, he also noted that, according to St Augustine (d. 430), it applied to all, subordinates with regard to their superiors and vice-versa. Peter further agreed that anyone who failed to chastise one of his brethren, when he saw him sin, deserved punishment. Hence, his views accorded with those of contemporary canonists, and he even refers to them; this indicates that late twelfth-century theologians and canonists were familiar with and interchanging each other's ideas.²² Peter, however, was probably the first to argue that such views on resistance might apply to a whole community *vis-à-vis* its secular ruler. His position was based on St Augustine's doctrine of Jewish responsibility for the crucifixion. In his gloss to Psalm lxxxi. 4, Augustine had held that the Jews shared the blame for Christ's death, as they could have freed him but instead allowed their leaders to kill him, who might have been restrained from this by fear of their *multitude*. Augustine hence concluded that the Jews had consented to the crucifixion, since they had failed to prevent it when they could have done so.²³ Twelfth-century biblical commentators recognised that he had thereby extended blame beyond the Jewish elders—the 'maiores' who had handed over Christ to the Romans for execution—to the whole Jewish people, the 'minores'.²⁴ Peter the Chanter in particular understood that the people had the power to resist their leaders through the force of their numbers, their *multi-*

²² Peter the Chanter on Matt. xviii.15, Paris, Bibliothèque Nationale lat. MS 15585, fo. 124vb; Oxford, Merton College, MS 212 (unfoliated): '*Attendite . . . Ita enim peccat qui peccantem videns tacet . . . Sed si peccaverit* etc. . . . Hoc capitulum ad solos prelatos dicunt quidam pertinere eo quod in antiquibus [*sic*] codicibus invenitur: "Respiciens dominus discipulos dixit ad Petrum, Si peccaverit, etc." Alii econtra asserunt, ut Io[hannes] Fa[ventinus] et Rufinus, eo quod vitio scandalii omnibus sit inhibita. Et ad hoc pertineat hoc capitulum, sicut etiam testatur Augustinus dicens: "Hoc precipi omnibus et paribus in pares, et maioribus in minores et minoribus in maiores." Item Theodorus in penitentiali: "Quicumque fratrem peccare uiderit nec increpat non modica pena dignus est." Huic opinioni consentimus . . .' In a marginal note in the Oxford manuscript, Peter Comestor was indicated as one of those who restricted the command of Matt. xviii.15 to prelates: 'Ita m[agister] P[etrus] Mandu[cator].'

²³ Augustine, *Enarrationes in Psalmos*, ed. E. Dekkers & J. Fraipont, CCSL 38–40 (Turnhout 1956), 1138.

²⁴ Peter the Lombard on Ps. lxxxi. 4 (*PL* 191. 778); *Glossa ordinaria*, ii. 562ra (on Ps. lxxxi. 4). See J.A. Watt, 'Parisian theologians and the Jews: Peter Lombard and Peter Cantor', *The medieval Church: Universities, heresy and the religious life*, ed. P. Biller & B. Dobson, SCH Subsidia 11 (1999), 55–76.

tude. And he concluded that if a people failed to use this power to free an innocent sentenced to death by their prince, then they would sin.²⁵ Therefore, in his view, a people had a collective duty to resist the injustices of their ruler, otherwise they were party to them through their inaction.

In his commentary on 2 Kings xxiv, he took this argument a stage further. He and some canonists agreed that a subject who failed to resist a superior's fault merited punishment. He therefore inferred that such inaction might also have repercussions for a people, and he interpreted God's vengeance on Israel for the sins of King David in 2 Kings xxiv as an example of this. David had committed adultery with Bethsheba, wife of Uriah, and brought about her husband's death before marrying her. David had then angered God further by ordering that his people be counted. Peter the Chanter argued that God consequently punished the people both for David's sin of pride in numbering them and their own sin, in that they failed to resist his adultery and the death of Uriah and therefore consented to them.²⁶ In one manuscript of this commentary, a marginal note then concluded that we ought to fear for ourselves when we do not resist the sins of our prelates. The fate of Israel in 2 Kings xxiv was thus interpreted as a cautionary tale for any who stood by and said nothing when their superiors did wrong.

Indeed a general feature of the Chanter's teaching was to apply the moral lessons of scripture to everyday life. The practical relevance of 2 Kings xxiv emerges even more clearly in another, longer version of his commentary. There he concluded from this scriptural

²⁵ Peter the Chanter on Ps. lxxxi. 4, BL, Royal MS 10. C. V, fo. 99va: '*Et liberate egenum de manu peccatoris*. Pilati, scilicet, et maiorum Iudeorum potestate. "Per hoc ostenditur", ut ait Augustinus [*a marginal note quotes his gloss in n. 23*] plebem Iudeorum non esse immunem a morte Christi, cum pre multitudine timerentur, facultatem haberent resistendi. Ut enim ait Augustinus: "Qui non resistit, cum potest, consentit." . . . Sed numquid plebs potuerit liberare adductum \innocentem/ patibulo a principe, cum summa rerum gerendarum non sit penes populum? Numquid nisi liberavit pro posse suo peccabit? Ita maiores et minores dominum crucifixerunt.'

²⁶ Idem on 2 Kings xxiv. 1, Oxford, Bodleian Library, Bodley MS 371, fo. 31r; Eton College, MS 16 (unfoliated): '*Et addidit furor domini* etc. Iam enim ultio facta fuerat in David et domo eius pro interfectione Urie sed nondum in populo qui vel non resistit David vel consentit adulterio et homicidio David . . . *dixit rex* . . . Punitus est ergo populus pro superbia David numerantis populum . . . et pro peccato proprio quia non resistit David interficienti Uriam vel quia ei consentit.' In the Bodley manuscript, a marginal note added: 'Ergo timere debemus nobis pro peccatis prelatorum cum eis non resistimus.'

example that a prince's sin had consequences for his subjects, hence a multitude ought to restrain a prince from evil when it could. He then quoted Augustine on Psalm lxxxi in order to reinforce this point.²⁷ He further speculated on 2 Kings xxiv in his *Summa* that King David might not have had Uriah slain if he had feared that his people would have resisted his wrongs. Consequently they had borne guilt and punishment for Uriah's death.

In the Chanter's view, a people therefore deserved punishment if they failed to exploit the force of their numbers to resist their leader's sins. Such an argument might be used to justify a general interdict imposed on a community for their ruler's wrongs, and we will see evidence of this below. This argument was not uncontroversial among the Chanter's fellow theologians, however. His pupil Stephen Langton (d. 1228), who also taught in the Paris schools until 1206, noted that the interpretation adopted by the Chanter of 2 Kings xxiv was derived from a gloss of (*pseudo*) Jerome, but he regarded this gloss as open to disputation.²⁸ Langton and the compilers of the *Glossa Ordinaria* to the Bible, which achieved its definitive form under Innocent III, preferred Gregory the Great's more circumspect commentary on 2 Kings xxiv. Therein Gregory (d. 604) had taught that rulers might be judged by God but not by their subjects, though rulers were to take care that their deeds did not displease their subjects.²⁹ As Kern observed, the ecclesiastical right of resistance was constrained by the Pauline

²⁷ Ibid. (expanded version), Paris, Bibliothèque de l'Arsenal MS 44, p. 380b: '*Addidit furor domini. Iam enim ultio facta fuerat in David et in domo eius sed non in populo qui non resistit David vel ei consensit. Ecce peccatum principis redundat in subditos et quod multitudo, cum posset, debet principem cohibere a malo. Unde super Psalmum lxxxi verum "Eripite" etc. Augustinus: "Per hoc ostendit... [he quotes St Augustine's gloss as in n. 23]... se a consensu".' Peter the Chanter, *Summa de sacramentis et animae consiliis*, III 2a, ed. J.-A. Dugauquier, *Analecta Mediaevalia Namurensia* 16 (Louvain-Lille 1963), 193.*

²⁸ Stephen Langton on 2 Kings xxiii.59–xxiv.1, Cambridge, Peterhouse, MS 112, fo. 136rb: '*Urias et Echeus: <Nota> glossam disputabilem Ieronimi que sic dicit... "Iam enim ultio domini facta fuerat in David et in domo eius sed non in populo, vel quia non resistit David vel <ei> consensit". Simul glosam secundum illud Psalmi, "Eripite pauperem et egenum" etc., quando ergo rex delinquit, populus debet ei resistere in quantum potest, vel si non facit peccat...'* Cf. Ps. Jerome, *Quaestiones Hebraice in libros Regum et Paralipomenon* (PL 23. 1363): '*Et addidit furor Domini irasci contra Israel. Iam enim ultio facta fuerit in David et in domum eius. In populo vero, qui noluit resistere David in perimendo Uria Etheo, necdum ultia divina facta fuerat...*' Langton also shared the conservative view of Gratian and Comestor that correction of sin was restricted to prelates; see Clarke, 'Peter the Chanter', 18.

²⁹ Gregory the Great, *Moralia in Iob*, XXV, xvi, CCSL 143B, 1260–62.

doctrine of passive obedience; St Paul had regarded all earthly authority as divinely ordained and thus not to be resisted.³⁰ Kern held that this constraint had been abandoned under the eleventh-century papacy, but he went too far; support for popular resistance against sinful kings remained qualified among Parisian theologians a century later. Even the Chanter did not advocate open revolt. As Baldwin has observed, when Peter considered whether the people might liberate those condemned by royal miscarriages of justice, he 'concluded that the people do not have the right of insurrection in such cases'. And Stephen Langton likewise argued that, although the Jewish people had been obliged to free Christ from crucifixion, resistance to unjust authority was to be limited to prayers and petitions, hence: 'Since recourse to violent rebellion against an unjust government was denied to the people, the Parisian theologians must be seen in the last analysis as supporting Paul's principle, which made political obedience a divine command'.³¹

The Chanter and his circle therefore restricted legitimate popular resistance to peaceful protest; the clamours approvingly described by Geoffrey of Vendôme and in the *Gesta* clearly fitted this bill. Nevertheless, the notion that a people might resist its prince at all, and indeed had a duty to do so when he sinned, was radical. It might be seen as a clerical reaction to the rising power of the national monarchies of France and England in the late twelfth century. It was the age of St Thomas Becket (d. 1170), whom contemporary clergy viewed as a martyr in the defence of ecclesiastical liberty against secular encroachment. As we will later see, the ecclesiastical authorities were concerned that the laity should feel a higher allegiance to them than to secular powers.

The idea of popular resistance to sinful leaders was certainly gaining currency among churchmen outside the Chanter's circle, for it had entered canonistic discourse by the late twelfth century. The point of departure, as it had been for the Chanter, was Augustine's gloss on Psalm lxxxi. 4 condemning the Jews for not preventing the

³⁰ Kern, *Divine Right*, trans. Chrimes, 98–100, 107–10.

³¹ J.W. Baldwin, *Masters, princes and merchants: the social views of Peter the Chanter and his circle*, 2 vols (Princeton, 1970), i. 167–9. See also the excellent P. Buc, *L'Ambiguïté du livre. Prince, pouvoir et peuple dans les commentaires de la Bible au moyen âge* (Paris, 1994), 350–67, 379–98, which treats many of the theological sources discussed here and others.

death of Christ. Gratian had included it in his *Decretum*, but canonists, unlike theologians, were slow to grasp its significance.³² Apparently, the first to do so was the Bolognese decretist and Innocent III's alleged teacher, Huguccio (d. 1210). In his widely circulated *Summa* (c. 1188) on the *Decretum*, he adopted Peter the Lombard's reading, namely that this text concerned the Jewish 'minores' who might have restrained their leaders (*principes*) from Christ's execution and thus withheld their consent from it. By failing to do so, he concluded, they had sinned.³³ His interpretation of Augustine's gloss thus coincided with that of Peter the Chanter as well as the Lombard. Even more remarkably Huguccio explained the text's socio-political implications in virtually the same way as the Chanter. The power of the 'multitude' against its leaders, Huguccio recognised, came from its superior numbers. He therefore accepted that subjects were able to resist their superior (*prelatus*), secular or ecclesiastical, if they were to see him acting against God. In support of this argument Huguccio cited another Augustine text found in the *Decretum*, the canon 'Qui resistit'. It began with the Pauline premise that to resist authority was also to resist the divine order, but it then noted two exceptions where obedience was not required: if an authority ordered his subject to break the law; and if an authority's order contradicted his superior's. In the latter instance, Augustine concluded that deference was owed to the greater power: God was thus to be obeyed over and above the emperor, for while an emperor might threaten the disobedient with prison, God might threaten hell!

Augustine's message echoed the apostles' view: 'We ought to obey God rather than men' (Acts v. 29). In the taxonomy of laws at the beginning of the *Decretum*, Gratian had likewise reasoned that divine law took precedence over human law, in particular where the latter contradicted the former. The Chanter had not recognised, as

³² C. 23 q. 3 c. 11.

³³ Huguccio on C. 23 q. 3 c. 11, BAV, MS Vat. lat. 2280, fo 245r; Admont Stiftsbibliothek, MS 7, fo. 319v: '*Ostendit propheta*. In illo versu scilicet David . . . "Eripit pauperem et egenum" etc. ubi loquitur David minoribus iudeis qui poterunt principes arcere ab interfectione Christi et eis non consentire, quia qui non fecerunt, peccaverunt . . . *cum pro multitudine*. Quia multo plures erant minores quam principes, et est argumentum quod neminem sociam habentem multitudinem excusat allegatio inpotentie, ar. xxxi. q.ii. Lotarius [C. 31 q. 2 c. 4] . . . *a facto* . . . est argumentum subditos posse resistere suo prelato seculari uel ecclesiastico, si videant eum contra deum agentem, ar. xi. q.iii. Qui resistit [C. 11 q. 3 c. 97] . . .'

Huguccio did, that this hierarchy might provide a basis for popular resistance, though he had understood in his gloss on Acts v. 29 that obedience was due to a higher power over a lower one.³⁴ Nevertheless, an earthly power who went against God sinned, and the Chanter had certainly held that people might resist a sinful ruler. Moreover, he had agreed with certain decretists that Christ's command to correct sinful brethren applied not only to prelates but to all Christians, including subjects with regard to their rulers. And Huguccio also adopted this view.³⁵ A remarkable unanimity thus existed between the Chanter and Huguccio on the question of resistance. Although there is no evidence that the one was directly familiar with the work of the other, this further indicates that Parisian theologians and Bolognese canonists were participants in a common debate.

The debate on resistance continued in canonistic circles under Innocent III and remained centred on Augustine's gloss on Psalm lxxxi. 4. And early thirteenth century decretists broadly followed the interpretation of this text adopted by Huguccio and the Chanter. Notably, Alanus Anglicus (c. 1210–15) agreed with Huguccio that it implied anyone might resist a prince doing evil. But, according to Alanus, Augustine had also observed on Psalm i. 6 that kings might be punished only by God.³⁶ This qualification was also known to

³⁴ Peter the Chanter on Acts v. 29, London, BL Royal MS 10.C.V fo. 383vb: 'Obedire etc. . . . Si aliquid iusserit consul et aliquid proconsul, potius est obediendum consuli.' Cf. Augustine in C. 11 q. 3 c. 97.

³⁵ Huguccio on D. 83 c. 3 v. *nihil est aliud quam fovere*, BAV, MS Arch. S. Pietro C. 114, fo. 99va: 'Idest qui negligit arguere perversos, cum possit, videtur eorum malo consentire.' Id. on v. *cum possis*: 'In quantum ex officio suscepto, et secundum hoc restringitur tantum circa prelatos. Ego autem credo quod ad hanc correctionem teneantur omnes, ar. ii. q.vii. Quapropter, et v. q.v. Non vos, et xxiii. q.iii. Tam sacerdotes [C. 2 q. 7 c. 47; C. 5 q. 5 c. 1; C. 24 q. 3 c. 14].' Cf. Anonymous English glossator (c. 1200) on D. 83 c. 3 v. *negligere*, Cambridge, Gonville and Caius College, MS 283/676, fo. 50rb: 'Hoc non tantum de prelo sed etiam de quolibet fidei laico intelligendum est, ut infra ii. q.i. Si peccaverit in te, infra xxiii. q.iii. Tam sacerdotes, infra d.lxxxvi. Facientis, infra ii. q.vii. Negligere, infra xxiii. q.iii. Qui errorem [C. 2 q. 1 c. 19; c. 24 q. 3 c. 14; D. 86 c. 3; C. 2 q. 7 c. 55; C. 24 q. 3 c. 32].'

³⁶ Alanus, *Apparatus* 'Ius naturale' on C. 23 q. 3 c. 11 v. *principibus*, Paris, Bibliothèque Nationale, MS lat. 15393, fo. 182va: 'Argumentum posse quem(?) resistere principi malefacienti, sed Augustinus dicit super illum verbum Psalmi "tibi soli peccavi" [Ps. 1. 6] quod rex a Deo tantum est puniendus.' The latter remark is ascribed to Cassiodorus by Peter the Lombard on Ps. 1. 6 (PL 191. 486) and the *Glossa ordinaria*, *ibid.*, ii. 516a; Cassiodorus's commentary on Ps. 1. 6 (CCSL 97. 457) is similar but lacks this exact phrase.

Peter the Lombard and the compilers of the *glossa ordinaria* on the bible, though they attributed it to Cassiodorus. In fact, it is not found in the Psalm commentary of either patristic writer. Nevertheless, its source was clearly theological, and it was consistent with the view of the Chanter's circle and Gregory the Great that popular resistance to sinful rulers was ultimately constrained by the Pauline doctrine of passive obedience.

Alanus's qualified theological reading of Augustine's gloss on Psalm lxxxi. 4 was also adopted by Laurentius Hispanus (c. 1210–15) in part of his commentary on this text.³⁷ However, the rest of his commentary was influenced less by theology than by Roman law and Romanist doctrine. Canonists had increasingly applied the latter to interpretation of canonical texts since the late twelfth century. Indeed, McManus has credited Laurentius with a decisive role in this 'Romanization of canon law study'.³⁸ Admittedly, Laurentius observed that the Jews had allowed Christ's murder by failing to speak out against it, the tacit consent to sin identified by Ambrose and recognised by contemporary canonists and theologians alike. He also noted Huguccio's argument that they had had the power to resist because of their 'multitude'. But Laurentius then developed this argument along purely Romanist lines. He observed that the Christian duty to defend a neighbour from attack only bound those who held jurisdiction, which initially seems to affirm the conservative view of Gratian and others that only prelates might resist others' sins. But Laurentius then pointed out that the people were indeed bound by the duty to resist harm to another for they had jurisdiction, and

³⁷ Laurentius Hispanus, *Glossa Palatina* on C. 23 q. 3 c. 11, Cambridge, Trinity College, MS O. 10. 2, fo. 13rb; BAV, MS Reg. lat. 977, fo. 188rb: '*permiserunt. Tacendo, xxxiii. q.v. Qui uxorem [C. 33 q. 5 c. 10] . . . timerentur. Per hoc videtur probari quod supracantavimus, scilicet quod proximus a proximo non tenetur repellere iniuriam corporalem nisi iurisdictionem habeat, sed dic quod populus [Cambridge MS adds: propterea] bene hoc facere potest, cum populus iurisdictionem habeat, licet imperatore [BAV MS has: in imperatorem] imperium transtulerit, ut inst. de iure naturali § quis [Inst. 1.2.6], et [BAV MS adds: quod] principi et sibi retinuit . . . obviare. [BAV MS adds: ar.] quod possit quilibet resistere imperatori suo si ipse peccat et delinquit, sed ar. contra habes in Psalmum "Misere mei, Deus, tibi soli peccavi" [Ps. l. 6]; dicit ibi in glosa Augustinus quia rex tantum a Deo puniendus est.'*

³⁸ B.J. McManus, *The ecclesiology of Laurentius Hispanus (c. 1180–1248) and his contribution to the Romanization of canon law jurisprudence, with an edition of the 'Apparatus glossarum Laurentii Hispanii in Compilationem tertiam'*, unpublished Ph.D. diss. (Syracuse University, 1991), 50–74.

though they had transferred this to the emperor, they nevertheless retained it. This conclusion was based on a particular interpretation of the *Lex regia* in Roman law. According to this the people of Rome had granted their emperor the power to make laws, but ultimately this power still belonged to the people. The implication was that they might withdraw it from unworthy rulers.³⁹

In an age when it was widely accepted that all earthly power was derived from God, even if kings were crowned with the formal acclamation of the people in France and England, these ideas of popular sovereignty were highly controversial. Laurentius indeed often held peculiar views that departed from the juristic *opinio communis*. But the contemporary civilian Azo (d. 1220) developed the same radical interpretation of the *Lex regia*; and more pertinently the canonist Johannes Teutonicus broadly adopted (c. 1215) Laurentius's remarks that drew out its implications for popular resistance.⁴⁰ Johannes's gloss on the *Decretum* indeed generally drew heavily on Laurentius, and it was vital for the circulation of his ideas, since it was *ordinaria*, accompanying almost all copies of Gratian's collection by the mid-thirteenth century. In his commentary on Augustine's gloss, Johannes had agreed with Laurentius that the people as possessors of jurisdiction had a duty to resist attacks on their members, and then he added a new argument in support of this view. If, Johannes asked, a city or people did not hold any jurisdiction, why would it be punished for its judge's negligence? Such punishment clearly indicated that the judge merely bore jurisdictional power in the name of the people, hence the people were ultimately held responsible for his exercise of it. And Johannes evidenced this popular accountability by citing a canon from the *Decretum*. Coincidentally another excerpt from St Augustine, it stated that a just war might be prosecuted

³⁹ Discussed by Ryan, 'Feudal Obligation', 59–60. As Ryan notes, the best summary of this is by Q.R.D. Skinner, 'Political Philosophy', *The Cambridge History of Renaissance Philosophy*, ed. Q. Skinner, E. Kessler, J. Kraye (Cambridge, 1988), 391–4.

⁴⁰ *Glossa ordinaria* on C. 23 q. 3 c. 11 (Venice 1496), fo. 214va; Cambridge, University Library, MS Dd. VII. 20 (unfoliated): '*Ostendit propheta . . . Hic est evidens ar. contra illos qui dicunt quod socius non tenetur iuvare socium, nisi habeat aliquam iurisdictionem* [*MS adds: in eum qui infert iniuriam. Sed*] *isti dicunt quod populus non* [*Venice edition adds: bene*] *habet iurisdictionem, licet dicat lex* [*Inst. 1. 2. 6*] *quod transtulit ius suum in imperatorem. Nam si civitas vel populus non haberet iurisdictionem, quare punitur propter defectum iudicis, ut supra. e. q. ii. c. Dominus* [*C. 23 q. 2 c. 2*]?' Io.'

against a city or people which failed to make amends for the faults of its members.

Laurentius had similarly concluded on Augustine's gloss to Psalm lxxxi. 4 that a people ought to resist its king when he intended to start an unjust war or commit any evil. He agreed that the power to resist such injustices came from jurisdiction, and he already attributed this to the people on the basis of the *Lex regia*.⁴¹ Like Johannes, he also cited canonical texts that demonstrated the penal consequences of failing to resist others' sins. The first was Alexander III's decretal 'Sicut dignum' which had imposed penances on those variously associated with the murder in 1170 of St Thomas Becket, archbishop of Canterbury. Laurentius had specifically cited the clause which regarded those who had confessed to seeking Becket with the intention of capturing, injuring or killing him; they were to perform a similar penance to his actual killers if their actions had assisted the latter's crime. This applied the canonistic principle that a like penalty bound those consenting to and those committing a crime. Those sharing the intention of Becket's killers had consented to their crime in the passive sense, by not observing their Christian duty to resist harm to another, and in the active sense, by collaborating with the killers.⁴² The other text that Laurentius cited was the canon 'Qui resistit', the excerpt from Augustine already noted by Huguccio which taught that Christians ought to resist an earthly ruler if he resisted God, otherwise they faced divine judgement.

Laurentius and Johannes had essentially reached the same conclusion as Peter the Chanter, even though they arrived at it by a different route, via Roman law rather than theology. They agreed that a community not only had the power but also a duty to resist its ruler when he sinned; if it failed to do so, it might be deemed complicit in his sin and legitimately punished for that along with him. This provided a justification for the interdict *before* as well as *after* the fact. The sentence was designed to punish a people for its *past* failure to resist its sinful ruler and compel it to do so *subsequently*; the latter effect has indeed been noted in the *Gesta* and Geoffrey of Vendôme's letter.

⁴¹ Laurentius Hispanus, *Glossa Palatina*, v. *cum potest*: 'Cum iurisdictionem habet, et ita intelligo extra. de homic. Sicut § i [1 Comp. 5.10.7]. Item probatur ex hoc c. quod populus debet resistere regi cum contra ius voluerit arma mouere, vel aliquid mali facere, ar. xi. q. iii. Qui resistit [C. 11 q. 3 c. 97].'

⁴² On the canonistic treatment of this passage see Clarke, 'Collective Guilt', 122–3.

It now remains to demonstrate the influence of such ideas on Innocent III. As we have seen, it is supposed that he was a pupil of one major exponent of these ideas, Peter the Chanter, and possibly also of another, Huguccio. Before becoming pope he had also noted that subjects might suffer for their rulers' faults. He was to elaborate on the latter view in two letters early in his papacy. One was issued on 25 May 1199 in response to the petition of three Spanish prelates. They sought the relaxation of the papal interdict on the kingdom of León.⁴³ Innocent refused, arguing that the sentence was imposed for a just cause, and he exemplified this from scripture. Significantly, he chose the story of 2 Kings xxiv that had given rise to Peter the Chanter's arguments in favour of popular resistance to sinful princes. Innocent observed that King David's sin in counting his people had brought God's wrath upon them, and then quoted David's cry of remorse to God: 'I am he that has sinned, I have acted wickedly. These that are sheep, what had they done? Let thy wrath, I beseech thee Lord, be turned away from your people'.⁴⁴ A parallel was implied: the king of León's sin in refusing to break off his uncanonical marriage had likewise brought the interdict on his kingdom. And the pope evidently intended that the king should react in the same way as David, to repent his sin at the sight of his innocent subjects suffering for it. But there is no implication that these subjects should induce him to repent. In this respect the pope's reading of 2 Kings xxiv owes less to the Chanter than Stephen Langton, who had commented that David's contrition for the death of his subjects *was* his punishment.⁴⁵ Nevertheless, in the same letter

⁴³ *Reg. Inn.* II, ep. 72 (75). It was included in 3 Comp. 4. 15. 1 (= X 4. 20. 5) but the relevant passages were cut. A paraphrased version also appears in the *Gesta* c. 58 (*PL* 214. cv–cvi; Gress Wright, 'The "Gesta Innocentii"', 79–84).

⁴⁴ Note the difference in these final words from the standard Vulgate version which has: 'Let thy hand, I beseech thee, be turned against me, and against my father's home'. See p. 85 above on the 2 Kings xxiv story.

⁴⁵ Stephen Langton on 2 Kings xxiv. 1, Oxford, Bodleian Library, Rawlinson MS C. 427, fo. 30ra; Cambridge, Peterhouse MS 112, fo. 136va: '*Et addidit furor.* Nota glosam Gregorii [as in n. 29] . . . "Ira enim que corporaliter populum pertulit ipsum quoque dolore prostravit." Ex his verbis glose videtur quod contritio sit pena quia David non fuit punitus alia pena quam contritione quam habebat videns populum mori . . .' According to twelfth-century doctrine on penance, contrition was prerequisite for reconciliation; see P. Anciaux, *La théologie du sacrement de pénitence au XIII^e siècle*, Universitas Catholica Lovaniensis, Dissertationes ad gradum magistri in Facultate Theologica vel in Facultate Iuris Canonici consequendum conscriptae ii/41 (Gembloux-Louvain 1949), 463–73.

it was noted that since the people of León saw that they were subjected to the same penalty as their king, they might not consider themselves free of blame for his fault, since they had consented to it by keeping silent. This certainly demonstrates reception of the canonistic and theological idea, that a people might be punished for not resisting their sinful leader. But it appears in that part of the letter summarising the petition and thus may reflect the petitioners' rather than the pope's point of view.

It is nevertheless clear that Innocent agreed with the canonists and theologians that those who consented to another's sin merited punishment along with them, for he had invoked this principle in two earlier letters. One was dated nine days prior to that concerning León and ruled that any knowingly associating with an excommunicate in a crime would likewise incur excommunication. The other had been issued in around late February 1198 and it extended the excommunication of those laying violent hands on clergy to those who failed to resist the attack.⁴⁶ Innocent hence adopted the classic scholastic distinction in interpreting consent to sin as both active support and passive non-resistance. The second of these letters is obviously the more relevant to this paper and like the León letter it reveals how Innocent thought that an interdict was justified. It concerned the arrest of Nicholas, archbishop of Salerno, on the orders of Henry VI, the German emperor, in late 1194 and his subsequent captivity in imperial territory.⁴⁷ Innocent's predecessor, Celestine III, had declared the archbishop's captors and their supporters excommunicate until he was freed. But he was still an imperial prisoner at Innocent's succession, and the new pope immediately realised that tougher measures were required. Within weeks of his election, Innocent sent this letter to three German bishops. It not only declared the ruling above but also ordered its recipients to enjoin all German princes to press for the archbishop's release, otherwise all Germany would fall under an interdict. In other words, the failure of the princes to resist this violation of clerical immunity, particularly one

⁴⁶ *Reg. Inn.* II, ep. 66 (16 May 1199); *Reg. Inn.* I, ep. 24 (15 x 28 February 1198). These rulings were included in canon law at 3 Comp. 5. 21. 3 (= X 5. 39. 29) and 4 Comp. 5. 15. 3 (= X 5. 39. 47).

⁴⁷ Krehbiel, *The interdict*, 92–3. See *Reg. Inn.* I, epp. 25–6, on the sanctions against Philip of Swabia. Innocent III's intervention is also recorded in the *Gesta* cc. 22, 25 (*PL* 214. xxxii–xxxvii, xlvi–xlvii; Gress-Wright, "The 'Gesta Innocentii'", 17–19, 26–7).

sanctioned by their recently deceased emperor, would merit their collective punishment until this sin was corrected. In fact, Philip of Swabia, who was holding the archbishop and also threatened with spiritual sanctions, released him before this threat could be carried out.

Innocent thus used the interdict both to compel subjects to resist their ruler's crime against the Church *and* to punish them for failing to do so. Indeed theological and canonistic doctrine had provided him with a justification for this. Moreover, when he came to declare an interdict on King John's England, his view of the sentence was reflected not only by members of the curia, such as his biographer and chancery staff who drew up his letters, but also by local ecclesiastical authorities. After three English bishops had proclaimed this interdict at the pope's command, they possibly issued the instructions on its observance known as the *Forma interdicti*. These required clergy to preach to their parishoners weekly, that they ought to obey God more than man, the apostles' teaching in Acts v. 29.⁴⁸ This echoed Innocent's letter sent to the nobles of England before the sentence came into force. It warned them that, in respecting their fealty to an earthly king, they should take care not to offend their heavenly king, and that they could not 'serve two masters' (Matthew vi. 24). The pope had advised them not to support John, since he opposed God. This recalled St Augustine's doctrine that Christians owed obedience to God before earthly rulers. Indeed Huguccio, Innocent's supposed master, had cited this to show that subjects had a duty to resist kings who defied God.⁴⁹ Likewise, the regular sermons required by the *Forma interdicti* were to warn the English against fearing those who had the power to kill them, in other words John and his agents. Innocent had similarly advised the bishops and nobles of England to set aside such fear or rather to fear God more than man; God, as St Augustine had pointed out, could inflict much harsher punishment, namely hell. Indeed, priests

⁴⁸ *Thesaurus novus anecdotorum*, 5 vols, ed. E. Martène & U. Durand (Paris, 1717; repr. Farborough, 1968–9), i. 812–13. Their authorship of this document is suggested by Cheney, 'Interdict', 298.

⁴⁹ *Selected letters of Pope Innocent III concerning England, 1198–1216*, ed. C.R. Cheney & W.H. Semple (London, 1953), 97–99 (19 November 1207); *Reg. Inn.* X, ep. 160 (PL 215. 1254). Cf. his letter to the bishops of the English Church (18 November 1207) in *Reg. Inn.* X, ep. 159 (PL 215. 1251–3).

were to admonish the English people that those obedient to the Church might enter the way of salvation, but the disobedient should fear divine retribution. The *Forma interdicti* further instructed priests to lead the faithful in prayers for the peace of the Church and for the king, that Christ might guide him to the way of salvation and doing God's will. This was all designed to persuade the English to take the pope's side against the king.

The message was further reinforced by a letter addressed to the English people by Stephen Langton; the interdict was imposed for his sake and he was a pupil of the Chanter, even if he did not entirely share his master's views on resistance. Writing in exile shortly before the interdict was proclaimed, he entreated his compatriots not to consent to John's persecution of the English Church. He then reminded them of the teaching that a like penalty bound those doing wrong and those consenting to it. As a schoolman, he also defined this consent according to the classic scholastic distinction as both active support for wrongdoing and passive failure to resist it.⁵⁰ In particular he reminded knights of their investiture by the Church and the consequent duty to defend her. But rather than armed insurrection he called for the use of persuasion to turn John away from wickedness and others from consent to it. He thus expected people to react to the threatened interdict in accordance with theological and canonistic doctrine, that is to resist their king's wrong by non-violent protest, so that he would feel compelled to come to terms.

In the late twelfth and early thirteenth centuries, Parisian pastoral theologians and Bolognese canonists jointly articulated a doctrine of popular resistance that was to provide a justification for Innocent III's use of the interdict against secular rulers. It is fruitless to speculate whether the pope was inspired more by theology than canon law on this point. Indeed, teachers of these disciplines displayed a remarkable unanimity on this issue, in particular Peter the Chanter and Huguccio, both seen as influences on Innocent. These teachers agreed that a people had a christian duty to resist their prince when

⁵⁰ *Acta Stephani Langton Cantuariensis Archiepiscopi*, ed. K. Major, Canterbury and York Society, Series L (1950), 6. The letter appears to have been composed at some point between 27 August 1207, when the pope threatened the interdict, and the sentence's proclamation on 23 March 1208. Langton's definition of the forms of consent to sin compares to that stated in Reg. Inn. II, ep. 66 (see n. 46).

he acted against God, i.e. sinned. They also agreed that the power to do so came from their superior numbers and, as the 'Romanist' Laurentius Hispanus and Johannes Teutonicus argued, their innate jurisdiction. These scholars further concurred that if a people neglected this duty, they might be punished together with their sinful prince. A general interdict was indeed usually occasioned by a ruler's wrongdoing, for which he was also excommunicated. An interdict was also meant to compel a people to correct this negligence by coercing their sinful prince to submit to the Church, as Geoffrey of Vendôme observed. Therefore, the interdict together with this doctrine that justified it was meant to reinforce a sense of higher loyalty to the ecclesiastical authorities as the agents of God on earth, and especially the pope as Christ's vicar, over and above that owed to secular princes. This is apparent from the the *Forma interdicti* and the letters of Innocent III and Stephen Langton to the English people. The schoolmen, of whom Langton was one, and Innocent were not advocating armed insurrection however. The theologians were careful to remind subjects of their primary duty of obedience to all who governed by 'God's grace'. Innocent thus threatened those who rebelled against King John in 1215 with excommunication and condemned Magna Carta as derogatory to royal rights. Nevertheless, the interdict was designed to maintain order in a social hierarchy in which the clergy saw themselves as standing above the 'milites', and the people below them. Despite the claims of Innocent III's biographer, it did not always succeed in doing so, for secular princes and their subjects did not always react to it as the ecclesiastical authorities would have wished.

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PART TWO
POPE, CURIA AND BISHOPS

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INNOCENT III AND THE USES OF SPIRITUAL MARRIAGE

John Doran

Ecumenism, we are told, has led the churches to realize that the coming great church, after all divisions have been swept away, will be presided over by bishops.¹ This realisation, which is of course not accepted by everybody, has led to such collaborative volumes as *Bishops, but What Kind?*, which reveals that *bishop* has no precise definition and means different things to different people.² We should have some sympathy for modern theologians, however, because there has never been any agreement on the precise status of bishops.³ The situation was no different for Innocent III, who became pope at a time when the nature of the episcopate and its relationship to the papacy was still a matter of controversy. The appearance of Gratian's collection of relevant canons in the 1140s and the commentaries made upon these by the decretists in subsequent decades had ensured that there was no unanimity on the nature of the episcopate.⁴

The first bishops had been established in the cities around the Mediterranean basin, and by the fourth century they were commonly given such titles as *father of the people*, or *father of the city*.⁵ The introduction of a wedding ring into the episcopal consecration was a

¹ Peter Moore, ed., *Bishops, But What Kind?* (London, 1982), cover notes.

² See Moore's conclusions in *Ibid.*, 162–76.

³ F. Claeys-Bouuaert, 'Évêques', *Dictionnaire de Droit Canonique* 5 (Paris, 1953), cols 569–89, at 569–71. E. Valton, 'Évêques', *Dictionnaire de Théologie Catholique*, ed. A. Vacaut, E. Mangelot, E. Amann, 15 (Paris, 1939), cols 1656–1725, at 1671–72.

⁴ Anders Winroth, *The Making of Gratian's Decretum* (Cambridge, 2000), 1–18; Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-Twelfth Century: the ecclesiology of Gratian's Decretum* (Berkeley, 1972), 178–86; Robert L. Benson, *The Bishop-Elect: a study in medieval ecclesiastical office* (Princeton, New Jersey, 1968), 23–56, 373–85; Kenneth Pennington, *Pope and Bishops: the papal monarchy in the twelfth and thirteenth centuries* (Philadelphia, 1984); Brian Tierney, *Foundations of the Conciliar Theory: the contribution of the medieval canonists from Gratian to the Great Schism*, *Studies in the History of Christian Thought* 81, 2nd edn (Leiden, 1998), 21–42; Colin Morris, *The Papal Monarchy: the western Church from 1050 to 1250* (Oxford, 1989), 205–36.

⁵ Jean Gaudemet, 'Note sur le symbolisme médiéval: le mariage de l'évêque', *L'Année Canonique* 22 (1978), 71–80, at 72; now in *La Société Écclesiastique dans l'Occident*,

Frankish innovation of the eighth century, yet the bishop was not seen as the husband of his church, but as her guardian. Only Christ himself was the spouse of the Church.⁶ The role of the bishop was to watch over the church, to keep her holy and spotless. The matrimonial element was used by the reformers of the ninth century in order to strengthen the ties between bishops and their cities. By stressing that the bishop was indeed married to his see, and that thus the union could not be dissolved, the reformers sought to bolster the episcopate in the face of ambitious clerics on the one hand and hostile citizens on the other. Above all, the aim was to ensure the stability of the local churches by removing the possibility of the promotion of the bishop to another see and reminding the populace of his episcopal dignity and authority.⁷

The twelfth century inherited at least two traditions of the episcopate. One school of thought, represented by Placidus of Nonantola, developed the idea that the ring given to the bishop symbolized his very real marriage to the whole church, since he took the place of Christ, who was himself the spouse of the whole church.⁸ On the other hand, theologians like Hugh of St Victor continued to lay stress on the older tradition that the bishops were guardians and teachers rather than spouses of the church. For Hugh, Christ alone was the bridegroom.⁹ The various traditions were reflected in Gratian's *Decretum*, and by and large concord was brought to the discordant canons by stressing the importance of stability in the episcopate without insisting that this flowed from the indissolubility of marriage. The *Decretum* emphasised the patristic tradition that the translation or deposition of bishops should only be carried out in cases of real utility and urgent necessity.¹⁰

It is well known that Innocent III took an interest in the question of the status of bishops from the beginning of his pontificate. Kenneth Pennington has shown that in his first two years as pope,

Variorum Collected Studies Series, 116 (London, 1980), x; Eugenio Dupré-Theseider, 'Vescovi e diocesi nell'Italia precomunale', *Vescovi e città in Italia nel Medioevo (Sec. XI-XIII)*. Atti del II convegno di storia della Chiesa in Italia. Italia Sacra, v (Rome, 1964), 55-109, at 60-1.

⁶ Gaudemet, 'Le mariage de l'évêque', 73-4.

⁷ Ibid., 75-6; Dupré-Theseider, *Vescovi e diocesi*, 67.

⁸ Gaudemet, 'Le mariage de l'évêque', 76.

⁹ Ibid., 76-7.

¹⁰ Ibid., 77.

Innocent sent out a series of letters insisting that he alone had the authority to decide cases of episcopal resignation, deposition or translation.¹¹ These letters effectively settled the question for the future. Jean Gaudemet has claimed that Innocent emphasised the reservation of translations to the pope in order to impose his authority over the episcopate, but that he nevertheless strengthened the position of the bishop by establishing once and for all that the bishop was the husband of his church.¹² However, while Innocent did indeed emphasise the marriage of the bishop to his church, his development of that idea did little to strengthen the bond of the marriage, since its effect was to provide for the frequent breaking of that bond in the future as bishops moved from one see to another on the pretext of necessity. Innocent ensured that the permission of the pope had to be obtained for such a translation, but the translation was allowed nevertheless. Moreover, Innocent used the authority of the pope over translations to emphasise the unique quality of his own marriage and to set it apart from those of the other bishops. The only bishop whose marriage was strengthened as a result of Innocent's deliberations was the bishop of Rome.

It would be instructive to look again at what Innocent actually wrote in his letter of August 1198 allowing the translation of Bernard Balbi from Pavia to Faenza.¹³ Innocent began by stating that the dissolution of marriages had been forbidden in the Gospels. He pointed out that this evangelical law was equally valid for the spiritual marriage between a bishop and his church, by which the two became one spirit, as it was for the carnal marriage by which a man and his wife became one flesh. Thus, Innocent continued, it would seem that the pope does not have the authority to dissolve the bond between a bishop and his see. But he was aware that custom, which, he pointed out, is better understood to be law, had allowed the pope to oversee dissolutions of marriages between bishops and churches.

Innocent had no more to say in this letter about the marriage of the bishop to his church, but the central argument of the letter shows us exactly why he mentioned it.¹⁴ Because only God is able to dissolve a marriage, yet popes had customarily done just that, Innocent

¹¹ Pennington, *Pope and Bishops*, 15.

¹² Gaudemet, 'Le mariage de l'évêque', 79.

¹³ *Reg. Inn.* i, no. 326, 472–74.

¹⁴ *Ibid.*, 473; Pennington, *Pope and Bishops*, 96–9.

concluded that in such matters the pope acted not as a man but as God himself. Innocent introduced one of his favourite themes here to bolster his argument. The pope is the vicar of Christ, rather than of a mere man. Innocent stated, 'Although we are the successor of the prince of the apostles, we are not his vicar, or any apostle's vicar, but the vicar of Christ himself.'¹⁵ Clearly, then, Innocent did not have much to say about the marriage of a bishop to his church. Far from strengthening the bond, he weakened it immensely by giving a legal justification of the power of the pope to dissolve it. Pennington has noted that Innocent's definitions of urgent necessity in this case were chiefly based on the expense already incurred in sending officials to Rome to seek the pope's permission for the translation.¹⁶

The real purpose of the letter was to show that the pope, although he was the bishop of Rome, was completely unlike any other bishop. Much has been made of the idea that the bishops were the successors of the apostles, but Innocent could not have been more clear than he was here: the translation of bishops, he said, was reserved to the pope; although the bishops were called to a part of the care, he alone retained the fullness of power.¹⁷ Thus the marriage between a bishop and his church was only as sacred as the pope decided. However seriously they were investigated, the very fact that translations were allowed weakened the bond between the bishop and his church.

The letters of Innocent III are, of course, only one side of the story. Pennington has pointed out that we should not look for a developed theory of the episcopate in Innocent's letters, because they were written as direct responses in the heat of the moment.¹⁸ However, during the early years of his pontificate Innocent preached a sermon in St Peter's basilica, in which he presented an exposition of his theories of pope and bishops. This sermon was based on a treatise which Innocent had written while he was still a cardinal, in 1196 or 1197, so it was not written in the heat of the moment, but dur-

¹⁵ *Reg. Inn.* i, no. 326, 473; see also Michele Maccarrone, *Vicarius Christi: storia del titolo papale* (Rome, 1952), 104–24.

¹⁶ Pennington, *Pope and Bishops*, 98.

¹⁷ *Reg. Inn.* i, no. 326, 473.

¹⁸ Pennington, *Pope and Bishops*, 49.

ing a time of reflection.¹⁹ It is significant that here, too, Innocent chose to concentrate on the theory of marriage. But once again, Innocent used episcopal marriage not as a means of expressing his solidarity with his fellow bishops, but to emphasise his superior status.

Innocent III had been elected to the papacy on January 8, 1198.²⁰ He had remained in deacon's orders until his election and chose to wait until the ember days at the beginning of Lent, the traditional date for ordinations, for his own ordination to the priesthood. This allowed him to celebrate his episcopal consecration on the Feast of the Chair of St Peter at Antioch, 22 February.²¹ We have four sermons which he gave on the anniversary of his consecration, and each develops some facet of his thought on his office and role as pope.²² The third of these sermons dealt with Innocent's marriage to the Roman Church, and it appears that it was preached to the bishops who customarily attended this important Petrine Feast.²³ Innocent delivered this sermon, as he tells us himself, on the first anniversary of the consecration and Richard Kay has argued that it was aimed specifically at the cardinals.²⁴ I suspect that the message was also intended for bishops visiting the curia, of whom there were an increasing number in the late twelfth century.²⁵ He clearly assumed

¹⁹ Wilhelm Imkamp, *Das Kirchenbild Innocenz' III. (1198–1216)*, Pápste und Papsttum 22 (Stuttgart, 1983), 203–326, especially 310–23; idem, 'Pastor et sponsus: Elemente einer Theologie des bischöflichen Amtes bei Innocenz III', *Aus Kirche und Reich: Studien zu Theologie, Politik und Recht im Mittelalter. Festschrift für Friedrich Kempf zu seinem 75. Geburtstag*, ed. Hubert Mordek (Sigmaringen, 1983), 285–94; idem, '"Sicut papa verus": Der Anfang der Primatialgewalt beim noch nicht zum Bischof geweihten Elekten in Theorie und Praxis Papst Innocenz III', *Apollinaris* 49 (1976), 106–32; John C. Moore, 'The sermons of Pope Innocent III', *Römische Historische Mitteilungen* 36 (1994), 81–142.

²⁰ *Gesta*, c. 5, cols xix–xx; James M. Powell has made a new translation of the *Gesta*. See James M. Powell, ed. and trans., *The Deeds of Pope Innocent III* (Washington D.C., 2004 forthcoming); Maria L. Taylor, 'The election of Innocent III', *The Church and Sovereignty c. 590–1918: essays in honour of Michael Wilks*, ed. Diana Wood, Studies in Church History Subsidia 9 (Oxford, 1991), 97–112.

²¹ *Gesta*, c. 7, col. xx.

²² *PL* 217, cols 649–72.

²³ *Ibid.*, 659–66; P. Jounel, *Le Culte des Saints dans les Basiliques du Latran et du Vatican au Douzième Siècle*, Collection de l'École Française de Rome, 26 (Rome, 1977), 392–404.

²⁴ Richard Kay, 'Innocent III as canonist and theologian: the case of spiritual matrimony', in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot, 1999), 35–49, at 40, 44–5.

²⁵ Valton, 'Evêques', 1720.

that his audience was well educated and familiar with canon law.²⁶ In spite of Innocent's observation that on such a great feast he should concentrate on Peter and not himself, he nevertheless devoted most of the sermon to his own marriage to the Roman Church, pointing out that the anniversary of his consecration was also his wedding anniversary.²⁷

Preaching on the text 'He who has a bride is a bridegroom. And the friend of the bridegroom, who stands and listens to him, will rejoice at the voice of the bridegroom', [Jn 3, 29] Innocent presented a careful exposition of the relationship of the pope to the bishops. He began traditionally enough, identifying Christ as the spouse of the Church, and he then adduced a number of scriptural texts to stress the bodily nature of this union, emphasising that there is only one unique body of Christ, which is wedded to the Church.²⁸

Innocent then turned to his own position as pope.²⁹ He declared that he had become the friend of the bridegroom. This was a traditional description of a bishop, but he added that Christ had said to him 'Friend, come up here!', which might have given his hearers an idea of where the sermon was heading. Innocent said that his own exalted position was the result of Peter's threefold answer to Christ, 'Lord, you know that I love you!' (Jn 21:15–17) This was followed with the exclamation, 'I would that I were the bridegroom myself, since I am so beloved of him'. Then Innocent listed the favours which had been shown to him by Christ: 'For he has gathered in me the good things of nature, he has stored up for me the rewards of grace; he has brought me spiritual benefices, to which he has added temporal dominions, and I hope that he will lead me to eternal life.'³⁰ Innocent was setting out for his hearers the attributes that accrued to him because of his office. Michael Wilks has shown that one of the most important papal titles, although it has received scant attention from modern historians, was that of *apostolicus*.³¹ This title was developed as a way of describing the pope's jurisdictional

²⁶ Kay, 'Innocent III as canonist', 47.

²⁷ *PL* 217, col. 663.

²⁸ *Ibid.*, cols 660–61.

²⁹ *Ibid.*, cols 661–62; Imkamp, *Das Kirchenbild*, 311.

³⁰ *PL* 217, cols 661–62.

³¹ Michael Wilks, 'The *apostolicus* and the bishop of Rome, I', *Journal of Theological Studies*, NS 13 (1962), 290–317, at 291; *idem*, 'The *apostolicus* and the bishop of Rome, II', *Journal of Theological Studies*, NS 14 (1963), 311–54.

functions.³² The *apostolicus* was appointed by God himself to be the mediator between God and man. Innocent was thus showing his worthiness to be the *apostolicus*, and it is notable that throughout the sermon he used the first person singular. He was stressing his personal mandate, and speaking as though the qualities necessary in the *apostolicus* had already been given to him by Christ.³³ Innocent followed this affirmation by listing the words spoken by Christ or the prophets which were traditionally applied to St Peter.³⁴ Each passage represented the authority given to Peter, and Innocent interspersed these passages with admonitions from the scriptures that those in authority should be humble, that their sins will be judged more harshly, and that they should be servants rather than masters. To his own question whether he should fear the voice of Christ telling him these things or not, Innocent gave the answer that he did not have to fear, because Christ had already predicted victory in the battle against Satan. His final answer was that he should rejoice rather than fear, because just as Christ had revealed the battle to Peter and promised him victory, so he had given him an office and granted him help.³⁵

Elaborating upon this theme Innocent produced more texts. Christ had promised Peter that he would pray for him, and the office which he gave to him was that of confirming his brothers. These proofs of the extraordinary prerogatives of Peter, which had passed to Innocent, gave him the confidence to go a step further. Returning to the text of his sermon, Innocent asked, 'Am I not the bridegroom, and each of you the friend of the bridegroom?'³⁶ This was a radical departure. Bishops, even if they were popes, had never seen themselves as the bridegroom. Even those who held that there was a marriage between the bishop and his church saw themselves as a substitute on earth for Christ, the real bridegroom in heaven.³⁷ Bernard of Clairvaux had presented the most exalted description of the papal

³² Wilks, 'The *apostolicus*, I', 293.

³³ Ibid., 299–303.

³⁴ *PL* 217, cols 661–62.

³⁵ Ibid., col. 662.

³⁶ Ibid., col. 662; Michael Wilks, 'Chaucer and the Mystical Marriage in Medieval Thought', *Bulletin of the John Rylands Library*, 44 (1961–62), 489–530, at 500.

³⁷ Gaudemet, 'Le mariage de l'évêque', 77.

office of the twelfth century, but he had maintained that the pope was the friend of the bridegroom, not the bridegroom himself.³⁸

Here, then, Innocent, addressing a gathering of bishops, affirmed his own marriage to the Roman Church, and their status as friends of the bridegroom. He then indulged in a sort of *Epithalamium* in order to celebrate his marriage by praising his bride.³⁹ 'I am a bridegroom, because I have the noble, rich, sublime, beautiful, chaste, gracious, most holy Roman Church, which is through God the mother and mistress of all the faithful.' Here, then, was the point. The Roman Church to which Innocent was referring was clearly universal. As the spouse of this church, the pope was placed in the position of Christ with respect to the other bishops. In order to emphasise this point, and to show the place of the Roman Church in history, he listed the precedents from Scripture, the queens and prophetesses of Israel, stressing that the Roman Church had surpassed them all in virtue. The virtues that appealed to Innocent in this context were maturity, prudence, fruitfulness, grace, devotion, chastity, boldness, and beauty. Richard Kay has noted that the attributes Innocent ascribed here to the Roman Church were those which he had ascribed to the Church Universal in his *De quadripartita specie nuptiarum*, while Imkamp has shown that the description was taken from the blessing of a bride in the Roman Pontifical.⁴⁰

Innocent then allowed himself a digression into canon law, the aim of which was once again to emphasise the difference between himself and the bishops.⁴¹ He noted that it was customary to speak of three stages of marriage—betrothal, consent, and consummation, adding, 'Surely you remember that you have read this in a canon?' He associated these three stages with episcopal election, acceptance, and consecration, the fine points of which were expounded in the

³⁸ Bernard of Clairvaux: *De consideratione*, IV, 7, ed. J. Leclercq and H.M. Rochais, *S. Bernardi Opera* (Rome, 1963), iii, 381–493, at 465–66; Yves Congar, 'L'ecclésiologie de S. Bernard, *Analecta Sacri Ordinis Cisterciensis* 9 (1953), 136–90, at 136–37, 159–60, 171–72; now in Yves Congar, *Études d'ecclésiologie médiévale*, Variorum Collected Studies Series, 168 (London, 1983), VII; Bernard Jacqueline, 'Le pape d'après le livre ii du *De Consideratione ad Eugenium Papam* de Saint Bernard de Clairvaux', *Studia Gratiana*, 14 (1967), 221–39.

³⁹ PL 217, cols 662–63.

⁴⁰ Kay, 'Innocent III as canonist', 42, note 30; Imkamp, *Das Kirchenbild*, 250; *De quadripartita specie nuptiarum*, PL 217, cols 921–68, 941.

⁴¹ PL 217, col. 663; Kay, 'Innocent III as canonist', 42–3.

letters of the first two years of his pontificate.⁴² Innocent pointed out that for the pope alone, the election was also the confirmation. As soon as the pope was elected he received the authority to govern the Roman Church and to administer all of her faculties. This is another way of saying that as soon as he was elected the pope became the *apostolicus*, a title which referred to his governmental as opposed to his charismatic attributes.⁴³ The assertion that the pope did not have to be consecrated before he was truly the pope was explicitly made in 1179 at the Third Lateran Council in an attempt to prevent the consecration of anti-popes in Rome such as had occurred in 1159.⁴⁴ Innocent ignored such trivialities but quoted from the first canon of the Council in order to point out that this was because the pope had no earthly superior to confirm him. The inference behind this was, of course, that the elections of all other bishops were ultimately under the authority of the pope, however much in practice Innocent respected the rights of cathedral chapters and metropolitans. Innocent reinforced this impression with his next observation: 'When I was about to make this contract, the son was taking his mother as his spouse, but once the marriage was complete, the father had a daughter for his wife.' There is a striking similarity between this statement and the observation of the author of the *Gesta* that many had seen in visions that he would take his mother as his wife.⁴⁵ He was quick to point out that in spiritual marriage those who are closest are admitted, whereas in carnal marriage they are excluded. In marrying the Roman Church, Innocent became one body with her; this transformation turned him from a son into a father. Clearly he thought that his marriage transformed him from a subject of the Roman Church into her master, from a position of subservience to one of dominance. As the Roman Church was the

⁴² Pennington, *Pope and Bishops*, 15; Kay, 'Innocent III as canonist', 44–5; Imkamp, *Das Kirchenbild*, 312–13; idem, "'Sicut papa verus'", 114–19.

⁴³ Wilks, 'The *apostolicus*', I, 291.

⁴⁴ *Conciliorum Oecumenicorum Decreta*, ed. G. Alberigo, J.A. Dossetti, P.-P. Joannou, C. Leonardi, P. Prodi, H. Jedin, 3rd edn (Bologna, 1973), 211; text and translation of *Licet de evitanda*, in *The Decrees of the Ecumenical Councils*, ed. Norman Tanner, 2 vols (London, 1990), i, 211; Raymonde Foreville, *Latran I, II, III et Latran IV*, *Histoire des Conciles Oecuméniques*, 6 (Paris, 1965), 143–44; T. Ortolan, 'Élection des Papes', *Dictionnaire de Théologie Catholique*, 4 (Paris, 1939), cols 2281–2319, at 2316–18.

⁴⁵ *Gesta* c. 6, col. xx; Imkamp, *Das Kirchenbild*, 314.

mother and mistress of all Christians, so Innocent was now the father and teacher of all Christians, including the bishops.

The chief function of the *apostolicus* was to teach the right way of life in a Christian society, and he was qualified to do this because he represented in himself the sum of the charisms given to each of the apostles.⁴⁶ Innocent expressed this idea by discussing the reason for his own marriage to the Roman Church. Just as with carnal marriage, so in spiritual marriage there were conjugal relations, and they brought forth children. These children were the virtues that were to be nurtured within the Church in order to transform society.

Innocent elaborated further on his marriage.⁴⁷ 'It is a wonderful thing,' he said, 'that having promised celibacy I have been joined in wedlock.' Having pointed out that John was pleasing in his celibacy and Abraham in marriage, Innocent said 'May I be pleasing in both, so that I may wear both sleeves with exultation.' [cf Ps 125, 6] He was speaking as if he were the only bishop to be joined to a church in matrimony, yet he was addressing these comments to other bishops. What, then, was their function? Innocent's use of familiar passages in strikingly new ways has been commented upon by historians, and it may have been commented upon by the episcopal hearers of this sermon.⁴⁸ Innocent told them that the Roman Church was like Sara. She introduced her servant, Hagar, to Abraham, but he did not commit adultery by having commerce with her, he simply fulfilled his office. This was the parallel chosen by Innocent to represent the solicitude of the pope for all churches. 'In the same way,' Innocent went on, 'the Roman pontiff has the Roman Church as his bride, and she introduces to him those churches subject to her, so that from him they may receive the directive care which is their due'. This really left little scope for the bishops to be married to their churches. They were once more simply guardians of their churches for the bridegroom, but the bridegroom was not Christ now, at least on earth, but the pope.

Later in his pontificate, perhaps in preparation for the Fourth Lateran Council, Innocent gave visual expression to this new con-

⁴⁶ Wilks, 'The *apostolicus*, I, 299–303.

⁴⁷ *PL* 217, 663–64.

⁴⁸ John Doran, 'In whose footsteps?: the role models of Innocent III', in *Innocenzo III: urbs et orbis*, ed. Andrea Sommerlechner, Nuovi Studi Storici, 55 (Rome, 2003), 56–73, at 56–7.

ception of the episcopate in the restoration and refashioning of the mosaic of St Peter's basilica.⁴⁹ The peculiarities of this mosaic have been noticed by many commentators, but Innocent's sermon perhaps goes some way to explaining one aspect of the restoration. Innocent, dressed in full pontificals and identified by name, was depicted in a prominent position in the mosaic. He was standing on one side of an altar, on which were depicted a lamb and a chalice, while the Roman Church, also identified by an inscription, was standing on the other side of the altar. Innocent was thus presenting the eucharistic feast to his bride. The figures of *papa* and *ecclesia* were inserted beneath the figures of Christ and Peter and Paul, but above the sheep representing the twelve tribes of Israel. Beneath the refashioned mosaic, a prominent inscription announced:

This is the seat of the most high Peter, and the sacred palace of the prince, the mother and the glory and ornament of all churches; the servant of Christ who serves in this temple collects the flowers of virtue and the fruit of salvation.⁵⁰

This decorative scheme served as a public announcement of Innocent's status as the *apostolicus*.

Innocent finished his sermon by rehearsing his arguments about the marital status of the bishop-elect, and it is probable that there were some bishops-elect among his hearers. However, it is interesting that he dealt with a further point which might have been raised by some canonists in order to question his exposition of the status of the pope. The *Decretum* of Gratian had included a text which stated that a pope could be deposed if he lapsed into error.⁵¹ Innocent

⁴⁹ *Gesta*, c. 145, col. 205; Brenda M. Bolton, 'Qui fidelis est in minimo: the importance of Innocent III's gift list', in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot, 1999), 113–140, at 124–27; Antonio Iacobini, 'Il mosaico absidale di San Pietro in Vaticano', *Fragmenta Picta: affreschi e mosaici staccati del Medioevo romano*, ed. Maria Andaloro, Alessandra Ghidoli, Antonio Iacobini, Serena Romano, and Alessandro Tomei (Rome, 1989), 119–29; Gerhardt B. Ladner, *Die Papstbildnisse des Altertums und des Mittelalters*, 2 vols (Vatican City, 1970), ii, 56–68; S. Sibilia, 'L'iconografia di Innocenzo III', *Società Romana di Storia Patria*, Bolletino della Sezione per il Lazio Meridionale, 2 (Anagni, 1953), 65–100, at 79; Richard Krautheimer, *Rome, Profile of a City, 312–1308* (Princeton, 1980), 207–9.

⁵⁰ José Ruysschaert, 'L'inscription absidale primitive de S.-Pierre. Texte et contextes', *Atti della Pontificia Accademia Romana di Archeologia, Rendiconti*, 40 (1967–68), 171–90.

⁵¹ Imkamp, *Das Kirchenbild*, 317–18; Tierney, *Foundations of the Conciliar Theory*, 51–2; Chodorow, *Christian Political Theory*, 178–86; Winroth, *The Making of Gratian's*

rather turned this argument around, but it is noteworthy that he included it at all. He stated that the bond between the Roman Church and the pope could be broken only by death, something which again set him apart from the other bishops. He then mentioned that if he were to commit adultery the Roman Church might dismiss him.⁵² By adultery, he explained that he meant spiritual adultery, the sin of teaching error. He gave no indication of how such a sin could be judged. The Roman Church might dismiss the pope, but did that mean that the members of the Church might remove him? He avoided the question altogether by asserting that he simply did not believe that the pope could fall into error, for the simple reason that Christ had prayed for Peter that his faith would not fail and the prayer of the just man does not go unheard.⁵³ Once again, Innocent transformed a potential weakness into a position of strength, since Christ had not prayed that the faith of the other apostles would not fail. It was for Peter to ensure that they remained faithful.⁵⁴

Innocent's theory of the role of the pope as the spouse of the Roman Church gives the impression that he saw the Church in much the same way as dioceses had been seen in the early Church. The bishop ideally performed all sacramental functions and the clergy were merely his assistants, commissioned to a sacramental role only when the growth in the number of Christians prevented the bishop from acting in person.⁵⁵ This impression is also given by the fact that the popes signed their letters with the formula *Catholic bishop*, whereas the cardinal bishops and other bishops signed with the names of their sees.⁵⁶ Innocent himself, in his *De quadripartita specie nuptiarum*,

Decretum, 194; cf. *PL* 217, col. 656, where Innocent states that he could be judged by the Church for errors of faith.

⁵² Leonard Boyle, 'Innocent's view of himself as pope', *Innocenzo III: urbs et orbis*, 5–20, at 11; Brian Tierney, *Origins of Papal Infallibility, 1150–1350: a study on the concepts of infallibility, sovereignty and tradition in the Middle Ages* (Leiden, 1988), 36.

⁵³ *PL* 217, col. 665; cf. *Ibid.*, 656.

⁵⁴ Imkamp, *Das Kirchenbild*, 318–19; Congar, 'L'ecclésiologie', 160; Wilks, 'The apostolicus', I, 313–17; Tierney, *Conciliar Theory*, 31–2.

⁵⁵ Valton, 'Evêque', 1671–72; Henry Chadwick, 'The role of the Christian bishop in ancient society', *Centre for Hermeneutical Studies*, Protocol of the 35th Colloquy, February, 1979, 35 (Berkeley, 1979), 1–14, at 3; reprinted in Henry Chadwick, *Heresy and Orthodoxy in the Early Church*, Variorum Collected Studies Series, 342 (Aldershot, 1991).

⁵⁶ Georg May, *Ego NN. Catholicae Ecclesiae Episcopus: Entstehung, Entwicklung und*

pointed out that the members of the Church are called Christians after Christ, whose vicar on earth is the pope, rather than taking the names of the apostles who founded their churches.⁵⁷

Behind Innocent's ideas was a reading of the fourth-century fathers who wrote against the Donatists. We know that such works were being read in the twelfth century in the search for a response to what was seen as a resurgence of earlier heresies.⁵⁸ Fathers such as Hilary of Poitiers and Optatus of Milève had emphasised that the Church was the one body of Christ, outside of which there was no salvation.⁵⁹ Just as there was one body so there was one food and one drink and any separation from the Church led to starvation. Optatus had written that all of the marks of the true church were dependent upon the first, the chair of Peter, and it is worth remembering that Innocent deliberately delayed his consecration so that it would fall on 22 February, the Feast of the Chair of St Peter at Antioch.⁶⁰ In the response to twelfth-century heresy, Innocent emphasised the unity of the Church. Just as the Roman Church was the mother of all Christians through their baptism, so the Pope was the father of all Christians through his marriage to her. It is no accident that he dwelt upon marriage, copulation, and eating, for these were precisely the things which were rejected as evil by the heretics. In his *De quadripartita specie nuptiarum*, Innocent had described the eucharist as the great wedding banquet prepared by the bridegroom for his spouse in order to feed the children of their union.⁶¹ The Roman Church brought her subjects to him so that they might share

Bedeutung einer Unterschriftenformel im Hinblick auf den Universalepiskopat des Papstes (Berlin, 1995).

⁵⁷ *PL* 217, col. 961; Wilks, 'The *apostolicus*, I', 303, note 2.

⁵⁸ Malcolm Lambert, *The Cathars* (Oxford, 1998), 4, 20–1; R.I. Moore, *The Origins of European Dissent* (London, 1977), 60, 67.

⁵⁹ Hilary of Poitiers: *Conflicts of Conscience and Law in the Fourth-century Church*, ed. and trans. Lionel R. Wickham, Translated Texts for Historians 25 (Liverpool, 1997); Optatus: *Against the Donatists*, ed. and trans. Mark Edwards, Translated Texts for Historians 27 (Liverpool, 1997).

⁶⁰ Optatus: *Against the Donatists*, 32; Wilks, 'The *apostolicus*, II', 316 citing *Epistola* 232.3, *PL* 33, col. 1028; Michele Maccarrone, 'La *cathedra Sancti Petri* nel medioevo: da simbolo a reliquia', *Rivista di Storia della Chiesa in Italia*, 39 (1985), 349–447, at 409–19, reprinted in idem, *Romana Ecclesia Cathedra Petri*, ed. Piero Zerbi, Raffaello Volpini, Alessandro Galuzzi, Italia Sacra 47–48 (Roma, 1991) II, 1249–1373, at 1325–38; A. Stuiber, 'Optatus of Milevis, St.', *NCE*, x, 611–12; É. Amann, 'Optat de Milève', *Dictionnaire de Théologie Catholique*, xi (Paris, 1939), cols 1077–84, at 1080.

⁶¹ *PL* 217, cols 945–48.

in the marriage banquet. In effect, Innocent saw himself in the place which Christ had occupied for the fourth-century fathers, but whereas the fathers had emphasised the marriage of the bishop to his diocese in order to ensure local stability, Innocent used his own marriage to the Roman Church as a means of ensuring universal stability. As the *apostolicus* it was for the pope alone to decide whether a bishop could dissolve his union with his see. Innocent, then, far from strengthening the bond between the bishop and his church, rather sought to establish that the role of the bishop was simply to look after the individual churches so that they could enjoy conjugal relations with the pope, who henceforth contracted the only proper marriage among the episcopate. Given their new role, it is hardly surprising that Innocent took the terms *grave reasons* and *urgent necessity* so lightly. The number of episcopal translations remained constant after Innocent's pontificate and grew dramatically in the fourteenth century, and this tied in with another development of the thirteenth century, the idea of the mendicant theologians that the pope was the parish priest of the whole world.⁶²

In concluding his sermon, Innocent referred to the bishops as brothers, in spite of having lectured them on his role as their father, and he asked for their prayers. Perhaps Innocent felt the burden of tradition weighing him down. Popes have never much liked bishops, but the episcopal tradition was so firmly entrenched that there could have been no question of doing without them. Innocent may have had a minimalist view, but if he were able to read *Bishops, but What Kind?* he would doubtless nod his head. Whatever the word may mean, the bishop is going to be around for a long time yet.

⁶² Pennington, *Pope and Bishops*, 95, 100; Yves Congar, 'Aspects ecclésiologiques de la querelle entre mendiants et séculaires dans la seconde moitié du XIII^e siècle et le début du XIV^e', *Archives d'histoire doctrinale et littéraire du moyen âge*, 25 (1961), 35–151.

THE RESIGNATIONS OF BISHOP BERNAT DE CASTELLÓ (1195–8) AND THE PROBLEMS OF LA SEU D'URGELL

Damian J. Smith

The Pyrenean see of Urgell is the most extensive diocese of Catalonia. La Seu d'Urgell is the episcopal seat. It is lodged between the Rivers Segre and Valira d'Orient, with Andorra and the French border just to the north. Already settled in Roman times, *Orgellia* appears to have become an episcopal see sometime between 516, when there is no mention of an Urgellian bishop attending a council at Tarragona, and 527, when Bishop Just attended the Second Council of Toledo. Urgellian bishops were to be regular fixtures at the subsequent Toledan councils before the Arab invasions, when the city fell under Muslim dominion. In the summer of 793, the city suffered severe damage at the hands of the army of Abdelmèlic when he retreated from the failed siege of Narbonne. The Arab influence was never strong however and it was perhaps in part the strength of Visigothic tradition, as well as some element of anti-Frankish sentiment that made Urgell, under Bishop Fèlix, along with the nearby monastery of Sant Sadurní de Tabernoles, allies of Elipandus of Toledo in the Adoptionist heresy, which Charlemagne and Louis combated.¹

In the first half of the ninth century, the cathedral town moved to its present, lower location, while the old fortified town (today Castelliutat) became the headquarters of the local counts, who remained independent of the kings of Aragon until the early fourteenth century. The counts, particularly the Ermengols (992–1209)

¹ On the history of La Seu d'Urgell in this period, C. Batlle i Gallart, *La Seu d'Urgell medieval: La ciutat i els seus habitants* (Barcelona, 1985); idem, *Els orígens medievals de la Seu d'Urgell* (Barcelona, 1979); idem, 'Els orígens medievals i l'evolució urbana de la Seu d'Urgell', *Orgellia*, 2 (1979), 151–67; P. Freedman, 'Three Letters of Innocent III in La Seu d'Urgell', *Römische Historische Mitteilungen*, 34/35 (1992–3), 111–113; E. Albert i Corp, *La Seu d'Urgell: Portaveu, reducte i bressol d'una Gòtia frustrada* (Barcelona, 1967); M Riu i Riu, 'Revisión del problema adopcionista en la diócesis d'Urgel', *Anuario de Estudios Medievales*, 1 (1964), 77–96; K. Schäferdieck, 'Der adoptianische Streit im Rahmen der Spanischen Kirchengeschichte', *Zeitschrift für Kirchengeschichte*, 80 (1969), 219–311; 81 (1970), 1–16.

controlled the property of the church and decided who would be bishop (often a family member). Their protection and generosity towards the see played an important part in allowing the church in Urgell a period of prosperity, which lasted until the twelfth century. Contacts were established with the papacy and privileges of protection were granted to the see. Ecclesiastical reform, however, proved a mixed blessing. While the counts generally remained on good terms with the see, the Church was led into conflicts with other local lords, particularly the viscounts of Castellbò, in defence of jurisdictional rights. Moreover, the power of the count of Urgell was not sufficient to cope with the combined opposition of local barons.²

The crusades brought with them both a huge enthusiasm for travel to Jerusalem and, in Spain, a rapid shift in the frontier towards the south. The conquest of Lleida (1149) saw significant emigration from Urgell. New conquests and a greater awareness of law brought significant conflicts with the new see of Lleida, as well as further fuelling those already existing both with the priory of Solsona over rights in various churches, and with the monastery of Àger over jurisdiction and church revenues. So reform and crusade meant conflict and depopulation. It also meant the construction of hospitals and almshouses, a new cathedral (the beautiful Romanesque cathedral that stands today), reformed and new religious communities, and advances in the administration of justice.³

In this study we look specifically at Urgell around the time of Innocent III, particularly in order to study some episcopates which are perhaps not well-known other than by local historians, and also to see what difference, if any, papal government made in a remote locality during troubled times.

² C. Baraut, 'El lloc de Ciutat, primitiu nucli urbà de la Seu d'Urgell, de l'època romana a la fi de l'edat mitjana', *Urgellia*, 8 (1986-7), 483-92; S. Sobrequès, *Els barons de Catalunya* (Barcelona, 1989); D. de Monfar Sors, *Historia de los Condes de Urgel* (Barcelona, 1853); J. Villaneuva, *Memorias cronológicas de los Condes de Urgell* (Balaguer, 1976); P. Kehr, *El Papat i El Principat de Catalunya fins a la unió amb Aragó* (Barcelona, 1931); J. Miret i Sans, *Investigación Histórica sobre el Vizcondado de Castellbó* (Barcelona, 1900).

³ F. Sabaté, *L'expansió territorial de Catalunya (segles IX-XII): ¿conquesta o repoblació?* (Lleida, 1996); J. Font i Rius, *La reconquista de Lérida y su proyección en el orden jurídico* (Lleida, 1949); C. Batlle, 'Les institucions benèfiques de la Seu d'Urgell durant l'edat mitjana (segles XI-XIV)', *Urgellia*, 6 (1983), 285-334. For pilgrims to the Holy Land, see C. Baraut, 'Els documents, dels anys 1101-1150, de l'Arxiu Capítular de la Seu d'Urgell', *Urgellia*, 9 (1988-9), nos. 1191, 1197, 1218, 1233, 1244, 1261, 1265, 1280, 1281, 1292, 1337, 1395, 1396, 1452, 1467, 1478.

On 27 March 1195, Pope Celestine III accepted the resignation of Bishop Arnau de Preixens of Urgell, who was old and infirm.⁴ Arnau retired to the influential Premonstratensian house of Santa Maria de Bellpuig de les Avellanes. This was perhaps a deserved rest after having fought for the well-being and rights of his see for nearly thirty years in difficult circumstances (indeed, he had informed Celestine of these difficulties already in 1174 when the pope had been a cardinal-legate in the Peninsula).⁵ Member of a notable local family, after being archdeacon of Urgell, Arnau was elected bishop by May 1167.⁶ In 1174/5, he contracted the architect Ramon Lambard to complete work on the cathedral.⁷ He assisted at the Third Lateran Council (1179), showed particular concern for the education and university studies of his canons, and consecrated a good number of new churches in his diocese, as well as battling against lay investiture in others.⁸ He reached agreements in disputes with Àger, Solsona, and the Templars.⁹ On the political front, he generally maintained a good relationship with the Ermengols and the count of Pallars Jussà. His attempts to accommodate the Castellbò however (who had been frustrated by loss of money, power and purpose, but were strengthened by the marriage, in 1185, of Count Arnau to Arnaua de Caboet, heiress of the rich valleys of Cabó, Sant Joan and Andorra), ultimately proved unavailing.¹⁰ He generally found himself in alliance with Count Ermengol VIII and the king of Aragon, Alfonso II, against the Castellbò and another powerful family, the Cabrera, who, with ambitions to take the county of Urgell themselves, were bitterly opposed to the increasing power of the alliance between crown, count

⁴ C. Baraut, 'Els documents, dels anys 1191–1200, de l'Arxiu Capítular de la Seu d'Urgell', *Urgellia*, 11 (1992–3), 39, no. 1873.

⁵ Baraut, 'Els documents, dels anys 1151–1190, de l'Arxiu Capítular de la Seu d'Urgell', *Urgellia*, 10 (1990–1), 211, no. 1686.

⁶ Baraut, 'Documents, 1151–1190', 139, no. 1617.

⁷ Baraut, 'Documents, 1151–1190', 215, no. 1690.

⁸ Baraut, 'Episcopologi de l'església d'Urgell', *Urgellia*, 14 (1998–2001), 50–1.

⁹ Baraut, 'Documents, 1151–1190', 176–7, no. 1653 (Àger); 264–5, no. 1749, (Solsona); 277–8, no. 1766 (Templars). On Àger, P. Freedman, 'Jurisdictional disputes over Sant Pere d'Àger (Catalonia) in light of new papal documents', in Freedman, *Church, Law and Society in Catalonia, 900–1500* (Aldershot, 1994), VII, 1–29; D. Smith, *Pope Innocent III and the Crown of Aragon: the limits of papal authority* (Aldershot, 2004), ch. 7.

¹⁰ Villanueva, *Memorias cronológicas*, 191; Miret i Sans, *Investigación Histórica*, 142–3; M. Palau-Martí, 'Le Catharisme et ses conséquences sur le statut politique actuel de l'Andorre', *Pirineos*, 98 (1970), 91–101.

and church. It was this association which led to the well-known attacks on his character by the vitriolic troubadour Guillem de Berguedà (a friend of Arnau de Castellbò), who on various occasions presented the unfortunate Bishop Arnau as a ravisher of maidens, a sodomite, a eunuch and a Jew.¹¹ There is no evidence to suggest that these charges had foundation. What they appear to reflect is a bitter hatred towards the Church.

By 21 June 1195, Bernat de Castelló, perhaps an outsider, was bishop-elect in Urgell, when Abbot Bernat de Vilamur of the Augustinian house of Sant Miquel de la Seu confirmed the goods of the chaplain of Sant Miquel.¹² It appears that there were irregularities in Bernat de Castelló's election although their exact nature is not known. Celestine envisaged discord among the canons and made provision for the archbishop of Tarragona and the bishop of Lleida to oversee the process but this was no more than standard practice.¹³ It all might have mattered little since Bernat, pleading his own inadequacies and a mystery illness, renounced his office in writing, made his will, gave free faculty to the canons to elect his successor and withdrew to the Augustinian house of Santa Maria d'Espirà de l'Agli (Rousillon).¹⁴ Whether this was all due to an illness, the problems with the election, an attack upon the church by hostile lords, a lack of confidence or a combination of these factors, we cannot know for sure. But by early 1196, persuaded by both some knights and clerics, Bernat decided to withdraw his former renunciation and return to the administration of parts of his see.¹⁵ On 8 May 1196, with the consent of the chapter, Bernat conceded some mills situated near La Seu to one Bernat d'Ansamora on condition that he give two-thirds of the revenue to the canonry.¹⁶

As if Bishop Bernat's peculiar behaviour were not enough, it was coupled with a major Castilian defeat at the battle of Alarcos of July 1195,¹⁷ which distracted the attention of Count Ermengol VIII and

¹¹ M. de Riquer, *Les poesies del trobador Guillem de Berguedà: text, traducció, introducció, i notes* (Barcelona, 1996), 38–41, 126–37, 140–7, 149–57, 159–65, 167–9.

¹² Baraut, 'Documents, 1191–1200', 43–4, no. 1876.

¹³ Baraut, 'Documents, 1151–1190', 39, no. 1873.

¹⁴ *Reg. Inn.* i, no. 452.

¹⁵ *Ibid.*

¹⁶ Baraut, 'Documents, 1191–1200', 47–8, no. 1880.

¹⁷ *Actas de Alarcos 1195. Congreso Internacional Conmemorativo de VII centenario de la batalla de Alarcos*, ed. R. Izquierdo (Cuenca, 1996); A. Ubieto Arteta, 'La Peregrinación

King Alfonso II of Aragon. This left Arnau de Castellbò and Count Raymond-Roger of Foix (who was contending with the church of Urgell for control in Andorra) free to launch a major long-term attack in the diocese of Urgell. The manner and savagery of the assault is recorded in three sources. A letter of Pope Innocent III dated 7 December 1198, *Sicut venerabiles fratres*, records that soldiers despoiled the church of Urgell, taking the goods, silks, ornaments, chalices and silver crosses, physically attacking the clergy and canons, and ‘diabolically polluting the church with homicides, adulteries and various other impurities’.¹⁸ In his *Historia Albigensis* (1212–18), in a section ‘on the barbarity and malice of the count of Foix’, Pierre des Vaux-de-Cernay records two relevant instances. One time, the count of Foix with a group of mercenaries besieged the canons of Urgell in the church until they were forced to drink their own urine and when they gave themselves up he went into the church, despoiled it leaving nothing but the walls and extracted a ransom of fifty thousand sous. One of his knights commented “We have destroyed St Anthony and St Mary; it only remains for us to destroy God”.¹⁹ On another occasion when the count and his men were attacking the church of Urgell, they cut off the arms and legs of the images of Christ crucified and used them to grind pepper and herbs for flavouring their food.²⁰ A report, sent sometime between 1241 and 1251 by Bishop Ponç de Vilamur of Urgell to Archbishop Pere d’Albalat of Tarragona, on the damage caused by Viscount Arnau de Castellbò and the counts of Foix to the church of Urgell, details the attacks on dozens of churches in the diocese, still fresh in the memory. It records a whole catalogue of crimes with the burning of churches, attacks on clerics, and the theft of their crops, cattle, vestments,

de Alfonso II de Aragón a Santiago de Compostela’, *Estudios de Edad Media de la Corona de Aragón*, 5 (1952), 438–52.

¹⁸ *Reg. Inn.* i, no. 452: ‘Aragonenses et Brabancones cum vicinis militibus in manu forti ad Urgellensem ecclesiam et hostiliter accedentes eam bonis omnibus spoliaverunt, pannos sericos, ornamenta omnia, calices et cruces argenteas asportantes et parochianos ducentis et amplius, clericis et canonicis de gremio ipsius violenter educitis et etiam captivitatis, ecclesiam ipsam homicidiis, adulteriis et aliis variis immunditiis feritate diabolica polluerunt’.

¹⁹ *Petri Vallium Sarnaii monachi Hystoria albigensis*, eds. P. Guébin and E. Lyon, 3 vols. (Paris, 1926–39), ch. 202. It has been translated into French by Guébin and H. Maissoneuve (*Histoire Albigeoise* [Paris, 1951]) and into English by W. and M. Sibly (*The History of the Albigensian Crusade* [Woodbridge, 1998]).

²⁰ *Hystoria albigensis*, ch. 203.

church ornaments and altar wine. As well as this there was abuse of the Body of Christ. At the church of Sanavastre, the reliquary containing the *Corpus Domini* was smashed, and the contents scattered into the most vile places, while Arnau de Castellbò watched from the door. The *Corpus Domini* was taken from the church of Palad and thrown on a dungheap.²¹

Though these sources are all ecclesiastical and hence unsympathetic to the barons, there is little to reason to doubt they are true in substance. There was nothing unusual about attacks on clergy or churches in Catalonia. In 1194 Guillem Ramon de Montcada had killed Archbishop Berenguer of Tarragona in a private quarrel.²² Indeed, previously, in 1171, only a few months after the death of Becket, another archbishop, Hug de Cervelló, had been killed after a long dispute with the Burdet family in Tarragona.²³ The number of papal letters sent to Tarragona protecting the clergy from those who wished to attack them is a testimony to the regularity of the occurrence.²⁴ Even Peter II of Aragon, a great ally of the papacy and crowned in Rome, ravaged the lands of the unfortunate bishop of Elne, elected without his permission.²⁵ Prelates too were wont to support violent measures to remedy problems, and in the case of

²¹ C. Baraut, 'L'evolució política de la senyoria d'Andorra des dels orígens fins als Pariatges (segles IX–XIII)', *Urgellia*, 11 (1992–3), 290–9, app. 1: (Sanavastre, 291) 'Preterea frugerunt scrinium in quo erat Corpus Domini et exparserunt eum in vilissimis locis; et ad hoc fuit presens A. de castrobono qui stabat ad januam ipsius ecclesie'; (Palad, 292) 'Item frugerunt ecclesiam de Palad et habuerunt inde. IIIor. libros et .II. calices et .II. canadeles et .II. candelabra et .II. esquillas et .XX. sextaradas olei, quas exparserunt, et cetera que ibi erant et unam perolam et acceperunt Corpus Domini, quod deiecerunt in sterquilinio'.

²² J. Villanueva, *Viage Literario a las iglesias de España*, 22 vols (Madrid, 1803–52), 19: 305–8; M. Coll i Allentorn, *La Llegendà de Guillem Ramon de Montcada* (Barcelona, 1958); J. Shideler, *A Medieval Noble Catalan Family: The Montcadas 1000–1300* (University of California, 1983), 123–8; D. Smith, 'Innocent III and the Minority of James I', *Anuario de Estudios Medievales*, 30/1 (2000) pp. 44–5.

²³ Arxiu històric arxidiocesà de Tarragona, MS. Mariano Mari, *Thesaurus sanctae metropolitanae ecclesiae Tarraconensis* (1783), 35–7, 219–220; L. McCrank, 'Norman crusaders in the Catalan reconquest: Robert Burdet and the Principality of Tarragona, 1129–55', *Journal of Medieval History*, 7 (1980), 67–82.

²⁴ *Índex Vell: Índex dels documents de l'arxiu de l'Arquebisbe 1679*, ed. Salvador Ramon Vinyes i F. Xavier Ricomà (Tarragona, 1999), Armari de les 'Bulles Apostoliques', passim.

²⁵ *La documentación pontificia hasta Inocencio III (965–1216)* [hereafter *MDI*], ed. D. Mansilla (Rome, 1955), 342–4, no. 311; D. Smith, 'Motivo y significado de la coronación de Pedro II de Aragón', *Hispania* 60 (2000), 63–79; idem, *Innocent III and the Crown of Aragon*, ch. 2.

the bishop of Vic, Guillem de Tavartet, these measures were directed against his own clergy.²⁶

What was remarkable in the above mentioned examples of the attacks at Sanavastre and Palad, is not violence but its direction, since there were specific attacks on the Eucharist and the Cross. In view of the focus of these attacks, it is pertinent to ask how extensive heresy was in Catalonia at this time. It is a difficult question to answer, especially for the period before the operation of the Inquisition. Though Cardinal Hyacinth (Celestine III) had already legislated against heresiarchs at the council of Lleida in May 1155,²⁷ the first direct reference to heretics we possess comes from the Cathar council of Saint Félix de Caraman (1167), where Bernat Cathala was the major representative of the church of Carcassonne in the assembly.²⁸ The southern limits of that diocese were set at Lleida and Tortosa. This has been considered wishful thinking by the Cathars but the *Llibre Vert* of the cathedral archive of Lleida reveals large immigration from Languedoc after the conquest of the city in 1149 and in 1197 the consulate was controlled by a southern French oligarchy.²⁹ Moreover, Lleida proved a significant Cathar centre from the 1230s to 1250s.³⁰ The council may also refer to a diocese of the Val d'Aran, though the reference is problematic.³¹ According to Stephen of Tournai, the legate Henry of Albano had felt the need to cross to Spain in pursuit of heretics, and, indeed, he was at Girona in March 1181, though dealing with a long-running property dispute between Bishop Ramon and Gilabert de Cruïlles.³² In July 1200, a chaplain,

²⁶ Arxiu de la catedral de Vic, calaix 9.3.38; D. Smith, 'A new letter from Vic shedding light on *Cum Oporteat* (X 5.1.19)', forthcoming.

²⁷ *Les constitutions de pau i breva de Catalunya (segles XI–XIII)*, ed. G. Gonzalvo i Bou (Barcelona, 1994), 58, no. 12.

²⁸ B. Hamilton, 'The Cathar Council of S. Félix reconsidered', *Archivum Fratrum Praedicatorum*, 48 (1978), 51–3; P. Jiménez, 'Relire la Charte de Niquinta: Origine et problématique de la charte', *Heresis*, 23 (1994), 1–26.

²⁹ (Consulate) Arxiu Municipal de Lleida, Fons Municipal, perg. 14; Arxiu de la Catedral de Lleida, *Llibre Vert*, contains constant references to immigrants from Toulouse and Carcassonne in the second half of the Twelfth Century.

³⁰ *Documentos de Jaime I de Aragón*, 5 vols, ed. A. Huici and M. Cabanes (Valencia, 1976–88), 3, nos. 762, 802; J. Lladonosa, *Història de Lleida*, 3 vols (Tàrraga, 1972), 1: 356.

³¹ Jiménez, 'Relire la Charte de Niquinta: Sens et portée', *Heresis*, 22 (1994), pp. 15–20, argues the case in favour.

³² PL 211, coll. 371–2; *Pergamins de la Mitra (891–1687)*, Arxiu Diocesà de Girona, ed. J. Marquès i Planagumà (Girona, 1984), 17, no. 58.

A. de Puigverd swore fidelity to Bishop Bernat of Urgell and promised not to help the heretics and 'inçabatatos' by word or deed.³³ A Cathar deacon, Guillaume Clergue, was operative at Castellbò from 1206 and Viscount Arnau and other important lords of the region, such as Ponç de Vernet and Ramon de Josa, were all adepts of Catharism.³⁴ In 1220, Archbishop Espàreg of Tarragona made a donation to the Carthusians of Scala Dei, expressly for their mission against heretics, which suggests the problem was spreading southwards.³⁵ As legislation against heresy by Alfonso II (1194) and Peter II (1198) indicates, the Poor of Lyons may well have been considered a more serious problem than Catharism and more widespread.³⁶ The moderate follower of Valdez, Durán de Huesca, after his reconciliation to the Church at Rome in December 1208, was able to set up communities of Catholic Poor, which proved popular in Huesca (Aragon), Elne and Barcelona, much to the consternation of the local clergy and, indeed, the crown, since, as is evidenced by many papal letters, neither priests nor the king's vicars were convinced of the orthodoxy of Durán's followers.³⁷

For Bishop Bernat violence and heresy were to prove too much. On 11 August 1196, Countess Elvira of Urgell, the wife of Ermengol VIII, went to the cathedral and heard what had happened there from the bishop and canons. Elvira made a donation for the restoration of the silver to the main altar, while Bishop Bernat offered the tithe of the town of Arcavell to the same end. The canons also con-

³³ Arxiu capitular d'Urgell, *Liber Dotaliorum*, 1, fol. 269v, doc. 939; Baraut, 'Documents, 1191–1200', 69, no. 1904: 'Iuro ego A. de Podiovirido capellanus quod de cetero ero fidelis et obediens in omnibus et per omnia vobis, domino meo B. urgellensi episcopo, vestrisque successoribus quod vestras sentencias observabo nec sustinebo ereticos sive inçabatatos verbo vel facto, me sciente, per Deum et hec sancta .IIIIor. evangelia'.

³⁴ *Histoire générale de Languedoc*, 16 vols, eds. C. Devic and J. Vaissète (Toulouse, 1872–1904), 5, col. 737; J. Ventura, *Els Heretges Catalans* (Barcelona, 1963), 39–57; A. Adroer and Pere Català, *Càtars i Catarisme a Catalunya* (Barcelona, 1996), 47–105.

³⁵ E. Fort i Cogul, *Catalunya i la Inquisició* (Barcelona, 1973), 35.

³⁶ (1194) J. Marquès, 'Alfonso II, el Casto, y la Seo de Gerona', *VII Congreso de Historia de la Corona de Aragón*, ii. (1962), 218–9; (1198) P. Marca, *Marca Hispanica* (Paris, 1868), no. 487, coll. 1384–5.

³⁷ *MDI*, 410–14, no. 394; 504–6, no. 474; 506–7, no. 476; 508–9, no. 480; B. Bolton, *The Medieval Reformation* (London, 1983), 57–61; Idem, 'Papal attitudes to deviants', *SCH*, 9 (1972), 79–91; C. Thouzellier, *Catharisme et Valdésisme en Languedoc à la fin du xiii^e siècle* (Louvain, 1968); Smith, *Innocent III and the Crown of Aragon*, ch. 8.

tributed and the faithful were encouraged to do so.³⁸ But after that Bernat once more resigned and departed the scene and returned to the monastery of Espirà. He again gave the canons of Urgell freedom to elect a successor, though on this occasion he informed the pope, Celestine III, and the church of Tarragona.³⁹ By 11 May 1197, the Countess Elvira had decided to take control of the episcopal palace and the castle of Sanaüja in the absence of the bishop, awaiting either his return or the election of another canon.⁴⁰ Perhaps there was some delay in the news arriving in Rome or the aged Celestine considered the matter would resolve itself and did not require his intervention. In 1198 Archbishop Ramon of Tarragona and his suffragans had to inform a new pope of the circumstances of the case.⁴¹

Innocent III, deeply conscious of the marriage bond existing between a prelate and his church, did not like bishops resigning their sees, on several occasions refused to allow bishops to resign, and considered that with the power and authority of office came a responsibility that could not lightly be cast aside. Even the case of the bishop who abdicated in order to enter the religious life, something that some canonists then considered could be done without the pope's permission, was regarded with great misgivings by Innocent. He always preferred the life of the active Martha to that of the contemplative Mary.⁴²

But in Urgell, as on many occasions in the south of France, the pope diagnosed that the bishop was the major factor in the problems the Church faced. The prime reason for troubled times was the laxity of the clergy and bishops were often, from Innocent's viewpoint, 'dumb dogs who could not bark', a view that the case of Bernat could only have reinforced. The pope's responsibility for the care of all churches outweighed all other considerations. The salvation of the Christian people rested with him.⁴³ Moreover, Bernat, in not submitting his resignation to the approval of the pope, had acted

³⁸ Baraut, 'Documents, 1191–1200', 50, no. 1883.

³⁹ *Reg. Inn.* i, no. 452.

⁴⁰ Baraut, 'Documents, 1191–1200', 51–2, no. 1885.

⁴¹ *Reg. Inn.* i, no. 452.

⁴² W. Imkamp, *Das Kirchenbild Innocenz' III (1198–1216)* (Stuttgart, 1983), 209–71; K. Pennington, *Popes and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia, 1984), 101–108.

⁴³ A very useful study here is A. Oliver, *Táctica de propaganda y motivos literarios en las cartas antiheréticas de Inocencio III* (Rome, 1957).

without respect for the *Ecclesia Romana*. For Innocent, it was not the pope who mattered but rather his bride, the *Ecclesia Romana*. What Bernat forgot, or never knew, and what Innocent was certain of, was that the church of Urgell, like all the churches, was subject to the spouse of the Roman pontiff, the *Ecclesia Romana*, “which in fact introduces to him the other churches subject to her, so that they may receive from the pope what divine providence has ordained for them”.⁴⁴

On 7 December 1198, Innocent wrote Bishop Bernat a scathing letter.⁴⁵ All the problems of the church of Urgell were due to Bernat’s inadequacy. He had obtained his office uncanonically and good did not usually result from evil. As the wolf approached, Bernat had abandoned his sheep and fled. Without seeking permission from the Apostolic see, to which the deposition, resignation, and translation of bishops was reserved, Bernat had given faculty to the canons for a new election. Returning, Bernat had been unable to oppose the attacks on the Church due to his own worthlessness. Withdrawing, he had again given the canons faculty of free election. The everyday task of the pope was the continuous care of all churches. Mindful of the needs of the church of Urgell, that could not be freed from the ‘lake of misery’ by Bernat, Innocent agreed to absolve the bishop both from the responsibilities and the benefits of his office and urged him to strengthen the church of Espirà. On the same day, Innocent wrote to the chapter of Urgell, ordering them to proceed to the election of a new prelate who would know how to watch over and benefit the clergy and people committed to his care.⁴⁶ He also wrote to Archbishop Ramon of Tarragona to remind him that as Urgell was under his metropolitan jurisdiction he should take special care to see that the canons elect, preferably unanimously, a candidate who could bring the time of troubles to an end.⁴⁷

⁴⁴ PL 217, col. 664; L. Boyle, ‘Innocent’s View of Himself as Pope’, in *Innocenzo III: Urbs et Orbis*, 2 vols., ed. A. Sommerlechner (Rome, 2003), 1: 5–19; Bolton, ‘Rome as a setting for God’s grace’, in Bolton, *Innocent III*, I, pp. 1–17.

⁴⁵ *Reg. Inn.* i, no. 452.

⁴⁶ *Reg. Inn.* i, no. 453: ‘Nolentes igitur ut ecclesia vestra, in medio nationis perverse posita, pro defectu prelati remaneat ulterius desolata et gregi dominico diu desit cura pastoris, universitati vestre per apostolica scripta mandamus, quatinus convenientes in unum et Spiritus Sancti gratia invocata, talem vobis personam in episcopum et pastorem animarum vestrarum canonice preficere studeatis, qui clero et populo sibi commisso et preesse noverit et prodesse’.

⁴⁷ *Reg. Inn.* i, no. 454.

Bernat de Castelló died at Maguelonne on 8 March of an unknown year.⁴⁸ On 20 February 1199, the chapter of Urgell, with the consent of the clergy and people, unanimously elected a canon of the cathedral, Bernat de Vilamur, and in asking the archbishop of Tarragona to confirm their decision they expressed the hope that the problems caused by Bernat de Castelló's apathy and inadequacy were behind them.⁴⁹ The new Bishop Bernat gave obedience to the archbishop of Tarragona on 25 July 1199.⁵⁰ Bernat de Vilamur was probably the son of Pere III, Viscount of Pallars and Estranya de Montferrer.⁵¹ He had been abbot of Sant Miquel d'Urgell when Bernat de Castelló was elected bishop and he appears to have administered the see when his predecessor fled.⁵² At the time of his own election he held the important post of sacristan of the cathedral.⁵³ His time as bishop was brief since he died on 30 November 1203, after an accident.⁵⁴ But it might well be argued that he did more good in that time than his successors over the next century. Bernat de Vilamur recovered the rights of the church in a number of castles and received new donations from Ermengol VIII. Bernat re-established good relations with the cathedral canons and conceded them important privileges. He improved the administration of the parishes and took measures to ensure the orthodoxy of the clergy at a time when heresy was on the increase.⁵⁵ He normalized relations both with Ramon de Josa and with Arnau de Castellbò in a series of agreements in 1201, the most important of which was that Arnau recognized episcopal lordship of the valleys of Andorra, Sant Joan,

⁴⁸ Villanueva, *Viage Literario*, 11: 66.

⁴⁹ Villanueva, *Viage Literario*, 11: 214–5.

⁵⁰ Villanueva, *Viage Literario*, 11: 69.

⁵¹ Baraut, 'Episcopologi', 52.

⁵² Baraut, 'Documents, 1191–1200', 34, no. 1869; 46, no. 1878; 46–7, no. 1879.

⁵³ Baraut, 'Documents, 1191–1200', 48–9, no. 1881.

⁵⁴ Villanueva, *Viage Literario*, 11: 69–70: (Necrology of Solsona) 'II. kal. decem. anno Dni MCCIII. Bernardus de Vilamur, episcopus Urgellensis, genere nobilis, moribus decoratus, eloquentia preditus, qui antecessores suos resistendo hostibus Ecclesiae, et in opprimendo et in devincendo devincens, fatali casu ab hac luce eodem die subtractus est'; (Chronicle of Ripoll) 'Anno M. CC. III. Obiit B. Urgellensis Episcopus qui pro ecclesia sua multis hostium se obiciens periculis omnes devicit et quae iuris erant ecclesiae, viriliter recuperavit: dein religiose vitam finivit'. (Will) Arxiu capitular d'Urgell, perg. Nov. 1203.

⁵⁵ Baraut, 'Documents, 1191–1200', 65–6, no. 1899; 69, no. 1903; 69, no. 1904. (To the canons) Arxiu capitular d'Urgell, perg. Mar. 1202 (*Liber Dotaliorum*, 1, fol. 242r); *Liber Dotaliorum*, 1, fol. 11r.

and Cabó.⁵⁶ He was also fortunate in that a marriage treaty of 1202 to unite the houses of Foix and Castellbò led them to war with Ermengol VIII and Peter II of Aragon. Defeated and captured in 1203, the two families were forced to renounce an alliance which would have been dangerous for the Urgellian church.⁵⁷ Had Bernat de Vilamur lived longer, in all probability the church of Urgell would have been spared something of the problems it later faced.

His successor, Pere de Puigverd, was probably elected in 1204.⁵⁸ His episcopate is at times difficult to interpret but cannot be counted altogether a success. He did, on the whole, maintain good relations with his canons, with the counts and with the papacy. Moreover, he intervened to help the young King James I after the death of his father at Muret.⁵⁹ Pere also had recourse to Innocent for the defence of his own rights. In January 1216, Innocent intervened on three matters to defend the bishop and chapter from usurpation of their rights. On 23 January, Innocent instructed the archbishop of Tarragona and the abbot of Poblet to investigate and uphold the claims of Bishop Pere and his chapter over the castles of Montale and the castle of Orso, which were then held by Pere de Castelló (possibly a relative of the ex-bishop) and Pere de Gradario as security for a loan that the bishop said was usurious.⁶⁰ On the same day, to the same recipients, and in the same vein, investigation was to centre on Hospitaller usurpations of tithes and property in the diocese.⁶¹ On 28 January, Innocent told the archdeacon of Elne to halt the attacks upon the church of Urgell by Guillem de Villafranca and other men of the diocese of Elne.⁶² But Pere was unable to maintain agreements with or take decisive action against the opponents of the church. Relations deteriorated with the secular lords and he

⁵⁶ *Cartulari de la Vall d'Andorra. Segles IX–XIII*, 2 vols, ed. C. Baraut (Andorra, 1988–90), 1: 245–54, nos. 93–7; (Ramon de Josa) *Arxiu Capítular d'Urgell*, perg. Oct. 1201.

⁵⁷ *Cartulari de la Vall d'Andorra*, 1: 255–7, nos. 99–100; *Arxiu de la Corona d'Aragó*, Cancelleria, perg. Pere I, no. 159.

⁵⁸ Baraut, 'Episcopologi', p. 52.

⁵⁹ *Historia Diplomatica Friderici secundi*, 6 vols, ed. A. Huillard-Bréholles (Paris, 1852–61), 1: 282–3; Smith, *Innocent III and the Crown of Aragon*, ch. 5; *Idem*, 'Peter II of Aragon, Innocent III and the Albigensian Crusade', in *Innocenzo III: Urbs et Orbis*, 2: 1049–65.

⁶⁰ Freedman, 'Three letters of Innocent III', 118.

⁶¹ *Ibid.*, 119.

⁶² *Ibid.*, 119–20.

did not stop the marriage of Ermessenda, the daughter of Arnau de Castellbò, to the count of Foix (any prospect of which had been renounced forever in 1203). The union between those two powerful and hostile houses left the see facing attacks for the rest of the century.⁶³ Heresy spread in his diocese until the problem was uncontrollable and only the entry of the Dominican Inquisition in the 1230s and a terrible half-century battle ousted Catharism from the region.⁶⁴ Pere's abilities as a pastor were already questioned in 1219 by Honorius III and he eventually resigned his see in 1230 with an annual pension granted by Gregory IX of 300 *aureos*; if not compelled, the legate John of Abbeville may well have given him a gentle push.⁶⁵ He retired to the monastery of Santes Creus and lived on until 1 June 1250, according to the necrology of Solsona.⁶⁶

Pere's successor in the see was far worse, both inefficient and morally challenged. Ponç de Vilamur (1230–1255) was ultimately accused by his own canons of murder, rape, incest, forgery and much more. He was removed by Alexander IV.⁶⁷ While Ponç's successor Bishop Abril Peláez (1257–69) restored a measure of order, he too faced the debilitating battles against Foix-Castellbò that dogged the see for so long.⁶⁸ The removal of a bishop or two could not ultimately solve political and economic problems of long-standing. The Albigensian crusade and the Inquisition, like the papal reform movement before, brought mixed blessings to La Seu d'Urgell. A long and bitter struggle ensued for those who opposed Church and Crown. But talented immigrants also came to La Seu d'Urgell from among

⁶³ *Cartulari de la Vall d'Andorra*, 1: 257–62, nos. 101–3; Sobrequès, *Els Barons*, 47; Miret i Sans, *Investigación Histórica*, 152. The marriage took place in 1208 at which time Ermengol VIII and Elvira took all the canons under their protection (Arxiu capitular d'Urgell, perg. Jul. 1208).

⁶⁴ Baraut, 'Els inicis de la inquisició a Catalunya i les seves actuacions al bisbat d'Urgell (segles XII–XIII)', *Urgellia*, 13 (1996–7), 407–38; Idem, 'Presència i representació del catarisme al bisbat d'Urgell (segles XII–XIII)', *Urgellia*, 12 (1994–5), 487–524.

⁶⁵ *La documentación pontificia de Honorio III (1216–27)*, ed. D. Mansilla (Rome, 1965), no. 215, 165–6; Villanueva, *Viage Literario*, 11: 72; Baraut, 'Episcopologi', 52–4; Arxiu Capitular d'Urgell, *Liber Dotationalium*, 2, f. 80v–81v, doc. 78.

⁶⁶ Villanueva, *Viage Literario*, 11: 73.

⁶⁷ Villanueva, *Viage Literario*, 11: 221–2; *Les Registres d'Alexandre IV (1254–61)*, ed. C. Bourel (Paris, 1902–59), 93; P. Linehan, *The Spanish Church and the Papacy in the Thirteenth Century* (Cambridge, 1971), 87–9; Idem, 'La carrera del obispo Abril de Urgel: La Iglesia Española en el siglo XIII', *Anuario de Estudios Medievales*, 8 (1972–3), 143–97; Baraut, 'Episcopologi', 54–5.

⁶⁸ Linehan, 'La carrera del obispo Abril de Urgel'; Baraut, 'Episcopologi', 55–6.

those who fled south, while the Dominicans, who proved very popular, brought law and learning.⁶⁹ Even up in the mountains, the power of the papacy, and particularly of Innocent III, in influencing events, had been significant, although the power of the pope actually to control events was very limited.

⁶⁹ Batlle, 'Notes sobre l'aportació Francesa a la demografia de la Seu d'Urgell (1150–1348)', *Urgellia*, 4 (1981), 261–92; Idem, 'La Seu d'Urgell a la segona meitat del segle XIII, segons els testaments', *Urgellia*, 3 (1980), 369–417.

BASTARD NEPOTISM: NICCOLÒ DI ANAGNI, A NEPHEW OF POPE GREGORY IX, AND *CAMERARIUS* OF POPE ALEXANDER IV*

Pascal Montaubin

Niccolò di Anagni (c. 1206–d. 1272/1273), a figure who has received little attention until now,¹ lived in close contact with the papacy for half a century. The nephew of Gregory IX (1227–1241),² his curial career reached its apogee as the discreet *camerarius* to Alexander IV (1254–1261).³ Niccolò is mentioned in the archives of the papal administration, of the chapter at Anagni,⁴ and of a number of French and English institutions. His career illustrates the practice of nepotism among popes and cardinals in a unique way: the promotion of a bastard by popes Gregory IX and Alexander IV, whose nepotistic policies were overshadowed by those of Innocent III Conti (1198–1216) and Innocent IV Fieschi (1243–1254), or those of Nicholas III Orsini (1277–1280), Honorius IV Savelli (1285–1287), Nicholas IV (1288–1292) for the Colonna, and Boniface VIII Caetani (1294–1303).⁵

* This article was translated by Dr. Wendy J. Anderson.

¹ Niccolò is mentioned in P. Zappasodi, *Anagni attraverso i secoli*, 2 vols (Veroli, 1908), esp. i, 351, 441; A. Paravicini Bagliani, *Cardinali di curia e “familiae” cardinalizie dal 1227 al 1254*, 2 vols (Padua, 1972), ii, 531–532 (Niccolò da Segni); F. Caraffa, ‘Il testamento di Stefano d’Anagni cappellano di Alessandro IV’, *ASRSP*, 104 (1981), 103–105; W. Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216* (Vienna, 1984), 127.

² Maleczek, *Papst und Kardinalskolleg*, 126–133; Idem, ‘Zwischen lokaler Verankerung und universalem Horizont. Das Kardinalskollegium unter Innocenz III.’, in *Innocenzo III. Urbs et orbis*, i, 141–146; E. Brem, *Papst Gregor IX. bis zum Beginn seines Pontifikats* (Heidelberg, 1911); O. Capitani, ‘Gregorio IX’, *Enciclopedia dei papi* (Rome, 2000), ii, 363–380.

³ Paravicini Bagliani, *Cardinali di curia*, i, 41–60; F. Tenckhoff, *Papst Alexander IV.* (Paderborn, 1907); R. Manselli, ‘Alessandro IV’, *Enciclopedia dei papi*, ii, 393–396; P. Montaubin, ‘Entre gloire curiale et vie commune: le chapitre cathédral d’Anagni au XIII^e siècle’, *Mélanges de l’École Française de Rome, Moyen Âge*, 109 (1997), 430.

⁴ Detailed discussion in Montaubin, ‘Entre gloire curiale’, 306–308, A. Mercantini, ‘Nulli ergo hominum . . . Testimonianze pontificie ad Anagni’, *Latium*, 17 (2000), 5–103, M. Grossi, ‘Il *marsupium* di Iacopo de Guerra: sulle tracce dell’archivio personale di un notaio e canonico del Trecento’, *ibid.*, 105–207. I am very grateful to Gioacchino Giammaria for photographs of the documents which I uncovered in 1997 at the Archivio del Capitolo in Anagni [henceforth ACA], for which he has responsibility.

⁵ S. Carocci, *Il nepotismo nel Medioevo. Papi, cardinali e famiglie nobili* (Rome, 1999).

Only two of Gregory IX's nephews made successful careers in the Roman curia: Adinolfo di Anagni⁶ and Niccolò himself. The latter is interesting because his example sheds light on the workings of Gregory IX's family and curial circles in Anagni, which have been less studied than those of the Roman aristocracy.⁷ As the central office-holder in the pontifical administration under Alexander IV, Niccolò devoted himself to perpetuating a tradition of the papal monarchy, from which the later French popes partly distanced themselves, namely a Holy See rooted in southern Lazio, where the communal movement was restrained by a powerful aristocracy, and which had acted as a governmental testing ground since the Gregorian reform.⁸ In the wake of Innocent III, Gregory IX and Alexander IV, he also embodied the sensitivity to the ideal of evangelical poverty, which, throughout the twelfth and thirteenth centuries took various forms in the region, with the Cistercians,⁹ the Mendicant orders,¹⁰ the foundations of hospitals and the late survival of the communal life in cathedral chapters on the model of the *vita apostolica*.

A Bastard, but Nephew of Gregory IX

Niccolò was born *c.* 1206 or shortly thereafter, in all probability at Anagni. He is attested as sub-deacon from 30 June 1227,¹¹ without

⁶ M. Grabmann, 'Adenulf von Anagni, Propst von Saint-Omer (†1290). Ein Freund und Schüler des hl. Thomas von Aquin', *Traditio*, 5 (1947), 269–283; P. Montaubin, 'Une gloire universitaire parisienne. Adinolfo di Anagni', *Canonici delle cattedrali nel medioevo*. Quaderni di storia religiosa x (Verona, 2003) 248–52, 276–277.

⁷ S. Carocci, *Baroni di Roma. Dominazioni signorili e lignaggi aristocratici nel Duecento e nel primo Trecento* (Rome, 1993); M. Thumser, *Rom und der römische Adel in der späten Stauferzeit* (Tübingen, 1995); A. Rehberg, *Kirche und Macht im römischen Trecento. Die Colonna und ihre Klientel auf dem kurialen Pfründenmarkt (1278–1378)* (Tübingen, 1999).

⁸ P. Toubert, *Les structures du Latium médiéval. Le Latium méridional et la Sabine du IX^e à la fin du XII^e siècle*, 2 vols (Rome, 1972), ii, 935–1348; *Il Lazio meridionale tra Papato e Impero al tempo di Enrico VI* (Fiuggi, Guarcino, Montecassino, 7–10 giugno 1986) (Rome, 1991); *Il Sud del 'Patrimonium Sancti Petri' al confine con il Regnum nei primi anni del Duecento. Due realtà al confronto* (Ferentino, 28–30 ottobre 1994) (Rome, 1997); M.-T. Caciorgna, 'La politica d'Innocenzo III nel Lazio', in *Innocenzo III. Urbs et Orbis*, i, 691–726.

⁹ B.M. Bolton, 'Signposts from the past: reflections on Innocent III's providential path', in *Innocenzo III. Urbs et Orbis*, i, 21–55.

¹⁰ *Il Papato duecentesco e gli ordini mendicanti* (Assisi, 13–14 febbraio 1998) (Spoleto, 1998).

¹¹ *Reg. Gregory IX*, no. 147. His ordination as a sub-deacon is probably contemporaneous with the papal dispensation.

any recorded dispensation, at a time when the minimum canonical age was generally at least twenty.¹² He is often referred to in the sources, all in Latin, by his first name alone.¹³ Contrary to certain groundless historiographical traditions, he is never called Conti (*Comes*), nor *de Segni*. Sometimes he can be distinguished by his geographical origin: *de Anagnia* (or on one occasion *de Campania*¹⁴ in a document from Paris of 1249). From the 1260s, and only in documents from Lazio, the surname *de Papa*¹⁵ is sometimes added to his first name, a sign that he was held in high esteem locally as a member of the most important noble family of Anagni, which took this surname at that time in memory of Gregory IX, from whom the family was descended through his niece Maria, Niccolò's half-sister. Moreover, from 1227 onwards, Niccolò too was above all presented as the nephew of Pope Gregory IX, a position which papal and other documents almost always mention. The same phenomenon occurs with Adinolfo di Anagni who was of legitimate birth.

Onomastically as well as in the sources, Niccolò is linked only with his paternal family, that of his uncle Ugolino/Gregory IX.¹⁶ His mother and maternal family remain unknown. Typical of the *inurbamento dei baroni*, this family held an eminent position in Anagni¹⁷

¹² J. Delmaille, 'Age', *Dictionnaire de Droit Canonique*, 7 vols (Paris, 1935–65), i, cols 315–348.

¹³ Toubert, *Les structures du Latium*, i, 693–787 (on anthroponymy and family structures); *Genèse médiévale de l'anthroponymie moderne: l'espace italien*. 2 vols, *Mélanges de l'École française de Rome, Moyen Âge*, 106 (1994), 313–736, and 107 (1995), 331–633.

¹⁴ *Cartulaire de Notre-Dame de Paris*, ed. B. Guérard (Paris, 1850), ii, 413 no. 8.

¹⁵ ACA no. 12: on the dorse of a bull of Urban IV: 'dominus Nicolaus de Papa' in 1261/1262; in 1273 in the notarised deeds relating to the execution of his will, ACA nos 284, 368, 825, 934; in the *Liber annualium* of S. Spirito in Sassia, see *Necrologi e libri affini della provincia romana*, ed. P. Egidi (Rome, 1908), i, 112.

¹⁶ G. Marchetti Longhi, 'Ricerche su la famiglia di papa Gregorio IX', *ASRSP*, 67 (1944), 275–307. This study has not yet been updated, but a number of errors and hypotheses (such as the link made to the Roman families of Papareschi and Paparoni) have subsequently been partly corrected, see T. Rinaldi, 'Fasi e tecniche costruttive del palazzo di Bonifacio VIII in Anagni: evoluzione di una residenza nobiliare urbana nel Lazio meridionale', in *Scritti in memoria di G. Marchetti Longhi* (Anagni, 1990), i, 185–204; E. Caniglia Mola, 'La decorazione pittorica del palazzo di Bonifacio VIII ad Anagni', *Latium*, 7 (1990), 31–56.

¹⁷ C. Carbonetti and M. Venditelli, 'Anagni', in *Lazio medievale. 33 abitati...* (Rome, 1980), 71–75; A. Panza and R. Ferretti, 'Anagni nel XIII secolo. Iniziative edilizie e politica pontificia', *Storia della città*, 18 (1981), 33–76 (map at 39, illustrations); G. Marchetti Longhi, 'Anagni di Bonifacio VIII. Studio storico topografico', *Bollettino dell'Istituto di Storia e di Arte del Lazio Meridionale*, 3 (1965), 167–206 (map at 194–195); G. Falco, *Studi sulla storia del Lazio nel medioevo*, 2 vols (Rome, 1988).

from the end of the twelfth century to the beginning of the fourteenth, and regularly provided rectors, podestà, and *Capitani del popolo*¹⁸ to a fast-growing commune, but which was still controlled by the local aristocracy (a division between *milites* and *pedites* can be documented from 1215) and whose powers were limited by the privileges of the clergy and the neighbouring papacy.

Like the other families of *milites* in southern Lazio¹⁹ in the thirteenth century, little is known about Niccolò's paternal family and historians have been too keen to link them all systematically to the Conti. The maternal family of Ugolino/Gregory IX, born around 1160/1170 in Anagni, was reputed *de potentioribus Anagnis*,²⁰ but through his father he belonged to the Conti family (*de comitibus*) of Segni (which only became a full 'county' in the fourteenth century). The Conti originally had land in Segni and Gavignano and extended to Rome from the second half of the twelfth century through the marriage of Trasmondo to a woman of the Scotti family. Gregory IX was therefore a third cousin of Innocent III.²¹ This fact is rarely emphasised in contemporary sources, but the two men had a great affection for each other, and Innocent III found in his cousin one of his closest allies. Ugolino, who entered the papal chapel in 1198 after being brought up at Anagni cathedral and having studied theology at Paris, was appointed Cardinal deacon of S. Eustachio at the end of 1198, Cardinal priest of S. Marco in 1206 and finally, in the same year, Cardinal bishop of Ostia. He occupied a prominent place in the court of Innocent III and then that of his successor Honorius III, who entrusted him with important legations in northern Italy (1217, 1218–1219, 1221). The crowning achievement of his career was a long and active pontificate from 19 March 1227

¹⁸ M.-T. Caciorgna, 'Gli ufficiali forestieri nel Lazio', in *I podestà dell'Italia comunale*, 2 vols, i. *Reclutamento e circolazione degli ufficiali forestieri (fine XII sec. – metà XIV sec.)*, ed. J.-C. Maire-Vigueur (Rome, 2000), 821–822, at 829.

¹⁹ On the *milites* in communal Italy, see S. Gasparri, *I 'milites' cittadini. Studi sulla cavalleria in Italia* (Rome, 1992); and on southern Lazio more specifically, Toubert, *Les structures du Latium*, passim; M.-T. Caciorgna, *Marittima medievale. Territori, società, poteri* (Rome, 1996), 244–268; A. Cortonesi, *Terre e signori nel Lazio medievale. Un'economia rurale nei secoli XIII–XIV* (Naples, 1988), 175–278.

²⁰ 'Vita Gregorii IX', in *Le Liber Censuum*, ii, 18, c. 2. Giraldus Cambrensis describes Ugolino as 'consobrinus' with Innocent III, Giraldus Cambrensis, *Opera*, iii, *De iure et statu*, ed. J.S. Brewer, *RS*, 21 (London, 1865), 181, 265.

²¹ This has recently been considered in L. Gatto, 'Innocenzo III, la famiglia, la giovinezza', in *Innocenzo III, Urbs et Orbis*, i, 613–642.

to his death on 22 August 1241. Besides his connections with the Conti of Segni (the family of Innocent III), Gregory IX was a relation, of various, ill-defined, degrees of proximity, of the guardians of Fumone and the vassals holding Jenne (the family of Alexander IV).

Ugolino's father, Mattia I, had died in 1192, so his grandson Niccolò could not have known him. Adinolfo, the brother of the future pope, and Niccolò's father, was rector of the commune of Anagni on 26 August 1208.²² On 31 January 1225, he obtained permission from Honorius III to give the Franciscans the chapel of S. Martino which he planned to build on his land (Arenzano, near Anagni) and which he was giving to the Roman church. The incumbents were to pray for his soul and those of his family.²³ He died shortly before 19 March 1226,²⁴ without having been able to put into practice his desire to build a church in honour of the Virgin. His brother Ugolino completed this work by founding the monastery of S. Maria della Gloria near Anagni, given over to the Cistercians of S. Giacomo in Fiore in 1226.²⁵ Ugolino, who held Adinolfo in great affection, asked the monasteries of Camaldoli and S. Maria della Gloria to pray for the peace of his soul.²⁶ Adinolfo had no other sons than the bastard Niccolò. His only legitimate child was a girl, Maria, who had already married Giovanni di Ildicio Del Giudice²⁷ by 5 October 1227. The record suggests that they already had children by this date, but if this is the case, only Mattia II survived. This Mattia II *de Papa*, Niccolò's nephew, was the most powerful

²² *Reg. Gregory IX*, no. 1839.

²³ *Reg. Hon. III*, ii, no. 5293; this chapel, completed by Cardinal Ugolino after the death of his brother, was then given on 14 October 1238 by Gregory IX to the Cistercian monastery of S. Maria della Gloria, which was to be responsible for celebrating the office for him, his brother Adinolfo and their family (*Reg. Gregory IX*, no. 4569). *Monasticon Italiae*, i, *Roma e Lazio*, ed. F. Caraffa (Cesena, 1981), 122.

²⁴ *Reg. Honorius III*, no. 5870.

²⁵ F. Caraffa, *Il monastero fiorentino di S. Maria della Gloria presso Anagni* (Rome, 1940); *Monasticon Italiae*, i, 121–122, no. 25.

²⁶ Brem, *Papst Gregor IX.*, 69–70; R. Davidsohn, *Geschichte von Florenz* (Berlin, 1908), 2/i, 52 note 1. Other references to Adinolfo in *Le Liber censuum*, i, 470 no. 217; *Registri dei cardinali Ugolino d'Ostia e Ottaviano degli Ubaldini*, ed. G. Levi (Rome, 1890), 144–146 nos 117–120; and other records from ACA as cited in this paper.

²⁷ Giovanni is mentioned with his (future?) father-in-law in 1216 (*Le Liber Censuum*, i, 470 no. 217). He is probably the same Giovanni who was rector of Anagni on 25 January 1251, ACA, *Liber privilegiorum*, no. 133. His family had received parts of the castle of Acuto as a fief from the Church of Anagni, Zappasodi, *Anagni*, i, 246; *Reg. Alexander IV*, no. 2678; ACA, nos 113, 290, *Liber privilegiorum*, nos 8, 22, 125.

lay member of the family in the mid-thirteenth century. In 1254, he hosted a meeting between Innocent IV and ambassadors from the kingdom of Sicily in the palace he had inherited from Gregory IX.²⁸ He was podestà of Anagni twice (1256, 1264) and of Terracina once.²⁹ In the 1260s, he opposed the French popes' pro-Angevin policy. He was very powerful in Campania, and died in 1278.³⁰ His sons Adinolfo II and Niccolò II went on to play important roles: having served many times as podestà of Anagni and other communes, they revolted against both Martin IV and Boniface VIII.³¹

Niccolò seems to have maintained no relation with the Conti family of Innocent III, but we can identify other relatives,³² although it is not possible to locate these accurately on a family tree. A cousin (*consobrinus*), Lotario, held the papal fortress at Fumone in his name until 8 July 1263.³³ Two clerics used the title of nephew of Gregory IX, and must be cousins of Niccolò. One of these, Stefano, who was appointed rector of Carlton (Cambridgeshire), a dependent church of the priory of Lewes, *c.* 1225/1227, is not otherwise known.³⁴ Adinolfo di Anagni is much more famous: he is attested from 1237, holding several prebends in France and England concurrently, as a papal chaplain from 1243, and in the pope's service until the interregnum of 1268–1271 which led him to leave the curia to teach theology in Paris (where he had studied). He refused the episcopal sees of Narbonne (1287) and Paris (1289), preferring to retire as a regular canon of St Victor in Paris, where he died in 1290. This Adinolfo, Matteo's brother, was himself a cousin (*consanguineus*) of

²⁸ 'Vita Innocentii IV scripta a fratre Nicolao de Carbio', in A. Melloni, *Innocenzo IV* (Genoa, 1990), 290 c. 40.

²⁹ Caciorgna, 'Gli ufficiali', 829; ACA, *Liber privilegiorum*, no. 15.

³⁰ Zappasodi, *Anagni*, i, 361; mention of his house located in the Colle S. Angelo area of Anagni (Marchetti Longhi, 'Anagni di Bonifacio VIII', 200–201); he was a recipient, like his son Adinolfo, of a letter from Cardinal Ottaviano degli Ubaldini (*Registri dei cardinali*, ed. Levi, 186–187 nos 30–31); ACA, nos 257, 699, *Liber privilegiorum*, no. 125; *Reg. Urban IV*, nos 739, 2551, 2962, Cam. 508; *Reg. Clement IV*, no. 336; Falco, *Studi sulla storia*, i, ad indicem.

³¹ Falco, *ibid.*; Caciorgna, 'Gli ufficiali', 829.

³² An Andrea 'de Papa', who rented land located close to the church of S. Croce, which belonged to the Church of Anagni, is mentioned on 2 December 1263 (ACA, *Liber privilegiorum*, no. 58), but it is not known whether he was related to Niccolò.

³³ *Le Liber Censuum*, i, 567–568 no. 308.

³⁴ London, Public Record Office, E 40/14287, cited by N. Vincent, *The letters and charters of cardinal Guala Bicchieri, papal legate in England* (Woodbridge, 1996), LXIX note 237.

Bartolomeo di Adinolfo of Anagni, rector of the church of Burton-upon-Trent in the diocese of York in 1263–1264. This church fell under the patronage of the priory of Lenton as did the pension paid to Niccolò.³⁵

Niccolò's social position was immediately disadvantaged by his illegitimate birth.³⁶ As the child of an adulterous relationship, he could theoretically neither inherit nor testify in court, according to (Roman) civil law. But from 1219 and through the 1220s, his father Adinolfo and uncle Ugolino built up an endowment of land and property in Anagni and its immediate surroundings for the illegitimate child, an endowment which would perhaps guarantee economic security for him while he awaited the benefices which would come if he pursued an ecclesiastical career. In fact such a career promised to be only mediocre until he acquired a dispensation *super defectu natalium*, obtained only in 1227. The usual legal way to circumvent the exclusion of illegitimate children from inheriting family property was the *inter vivos* settlement. This is why, on 25 October 1219, Cardinal Ugolino made an *inter vivos* donation to his nephew Niccolò (apparently not a cleric at this time), with the consent of his father Adinolfo. This consisted of a house with a garden and a fishery located in the Colle Sant'Angelo district of Anagni, an estate at Arenzano bought from Landolfo di Niccolò Piscioli, an estate at *Villa Urbani* and half of the Tofano mill bought from Niccolò Buete, and half of the Valle de *prata majoris*. Among the many witnesses from the Cardinal's household, was *magister* Rinaldo, papal sub-deacon, and future pope as Alexander IV, who here appears for the first time in the sources.³⁷ It is likely that Ugolino was thereby allocating part of his father Mattia I's heritage to Niccolò. On 17 October 1221, Adinolfo, as procurator for his son, bought from Pietro *Comes*, a citizen of Anagni, three pieces of land located in Arenzano for a price of twenty-one

³⁵ *Reg. Urban IV*, no. 1131 (this church was wrongly conferred on Thomas of Raley, a clerk of the Archbishop of York, who had Bonomo da Ponza, Bartolomeo's procurator in England, assassinated; trial in curia in 1263–1264).

³⁶ H. Winterer, *Die rechtliche Stellung der Bastarde in Italien von 800 bis 1500* (Munich, 1978); H. Regnault, *La condition juridique du bâtard au Moyen Âge* (Pont-Audemer, 1922); Toubert, *Les structures du Latium*, i, 784–786.

³⁷ ACA nos 729, 896 (authentic copy); ed. R. Ambrosi De Magistris, in *Storia di Anagni* (Anagni, 1889), ii, 158–159 no. 100. This is the first certain mention of Niccolò.

senatorial lire provisini.³⁸ On 23 May 1222, still Niccolò's procurator, he acquired from Pietro Pane a piece of land in Anagni for thirteen lire and eight soldi,³⁹ and on 23 August 1222, a vineyard in Arenzano, from Pietro di San Leone, a cleric of the church of Sant'Andrea in Anagni, for the sum of fourteen and a half senatorial lire provisini.⁴⁰ This collection of properties was supplemented by the arrangements made by Gregory IX on 5 October 1227,⁴¹ which gave Niccolò, *inter vivos*, a new house and outbuildings located in the Colle Sant'Angelo district, neighbouring houses (acquired by Gregory IX himself), a vineyard at *Pede Torarum*, the *casale* of *Ticlo* and a tenure at *Castellum Beltraimi*. His uncle took the opportunity to specify the rules by which the goods which he left to Niccolò and his half-sister Maria were to devolve. Those assigned to Niccolò were to revert at his death to his nephews, Maria's sons, or to the monastery of S. Maria della Gloria if the sons died before Niccolò, or if Maria had no male heirs. Similarly, he recapitulated the list of goods from his father Mattia's inheritance and his own acquisitions which he had left to his niece Maria and her sons. These were also to go to S. Maria della Gloria in the absence of legitimate lay male heirs. The pope however retained for him and his *familia*, for as long as he lived, his share in the great palace of Anagni and vineyards and gardens at Valle de Duce and Valle de *Cepis*. Rinaldo was again among the witnesses, by this time a Cardinal, and an intimate figure in the family, if not a close relative. Faced with the threat of extinction of a family which had already passed into female hands, and lonely after the death of his brother Adinolfo in 1226, in 1227 Gregory IX planned to have his family inheritance and his personal property bequeathed to the pious organizations he had established. By the same act, he also donated several pieces of land near Anagni to the monastery of S. Maria della Gloria: namely, Arenzano, Valle Urbana, Vico Moricino and *Colle domine Albiunde*, where the monastery was situated, on condition that this institution provide support for four Franciscans, the recipients of the church of S. Martino founded

³⁸ ACA no. 213. Cardinal Ugolino also bought goods from the same Pietro Comes and bequeathed them on 5 October 1227 to the monastery of S. Maria della Gloria.

³⁹ ACA no. 920.

⁴⁰ ACA no. 898.

⁴¹ Marchetti Longhi, 'Ricerche sulla famiglia', 304–305 and *I documenti dell'antico archivio di S. Andrea de 'Aquariciis'*, ed. I. Lori San Filippo (Rome, 1981), 29 no. 16.

by Adinolfo in 1225, and to which he left other property. In the space of a few years, therefore, Niccolò established himself in the Colle Sant'Angelo district, in the centre and west of Anagni, with land and rights in the area surrounding the city. On the other hand, he owned nothing in the main district of Castello, near the cathedral, where the family owned a large palace, which had belonged to the Counts of Segni in 1067, was rebuilt at the end of the twelfth century and in the early thirteenth, and subsequently extended, probably by Gregory IX.

In canon law,⁴² the lack of legitimate birth was an irregularity which meant that one was not qualified to receive holy orders or to hold ecclesiastical benefices. The exclusion of bastards from priestly functions could be traced to Deuteronomy (23:2) and was, despite a certain patristic tradition to the contrary, adopted by ecclesiastical legislation from the seventh and reinforced by the reforms of the eleventh century. The twelfth- and thirteenth-century popes, especially Alexander III, Innocent III and Gregory IX, clarified the prohibitions, but it was only in 1298 that access to the minor orders was explicitly refused to bastards (*Sextus*, 1. 11. 1). At the start of the thirteenth century, the diversity of opinions and practices probably explains the canonists' silence on this matter, with the exception of Raymond of Peñafort in the *Summa juris* c. 1220, which inaugurated a tradition which would only become law under Boniface VIII. Thus, Niccolò entered the clergy and received benefices from 1226, even before obtaining a papal dispensation in 1227. But Alexander III and then Gregory IX (*X*, 1. 17. 18) had already forbidden bastards to receive benefices with pastoral care. Gregory IX himself was strict in applying the reform but, in pursuing a policy initiated by Alexander II a century and a half earlier, also showed some flexibility in issuing dispensations for illegitimate birth, a solution which was now reserved to the Roman pontiff for honours and benefices with pastoral care (*X*, 1. 17. 18) and for creating major orders from the time of Boniface VIII onwards (*Sextus*, 1. 11. 1). Niccolò's youth was therefore right on the cusp between an age when strict principles were neither accepted by all canonists nor

⁴² A. Bernard, 'Bâtard', *Dictionnaire de droit canonique*, ii, cols 252–261; P. Landau, 'Das Weihhindernis der Illegitimität in der Geschichte des kanonischen Rechts', in *Illegitimität im Spätmittelalter*, ed. L. Schmugge (Munich, 1994), 41–53; J. Brys, *De dispensatione in iure canonico* (Louvain, 1925).

strictly applied by ecclesiastical authorities, and a period when canon law became exclusive, but where the pope's right to exercise grace brought the flexibility necessary to the functioning of society.

Niccolò began his clerical career early, but only the dispensation for his illegitimate birth allowed him to obtain important benefices by right, and to have the opportunity of promotion. Shortly after acceding to the throne of St Peter (19 March 1227), on 30 June 1227, his uncle Gregory IX hastened to grant him the dispensation needed to receive orders and benefices, and potentially to become a bishop.⁴³ Niccolò could thus enter the subdiaconate, which had been classed among the major orders since Innocent III⁴⁴ and also enter the papal chapel. Despite his dispensation, Niccolò's illegitimate birth hampered his rise to the highest ecclesiastical functions, the episcopate and Cardinalate, where his curial career might have taken him. Perhaps a lack of vocation, or a desire not to be compelled to heavier liturgical and pastoral duties meant that he was not driven to be ordained as a deacon then as a priest, not to mention his simple retirement from the Roman curia after 1261. Indeed he remained a sub-deacon until his death. Despite these limitations, the case of the *camerarius* Niccolò di Anagni demonstrates that illegitimate birth, restored by canonical dispensation, need not put paid to a career in the Roman curia similar to that of clerics of legitimate birth, provided that there was sufficient talent and in particular, adequate protection.⁴⁵

His career as the nephew of a Cardinal, and then of a pope, resulted first of all in a collection of important ecclesiastical revenues in Italy, France, and initially apparently, in England. As the result of a trend initiated in the middle of the twelfth century, England had become the favoured target of Italian curialists and their protégés in search of benefices in the first couple of decades of the thirteenth century,⁴⁶ before French cathedrals began to welcome them

⁴³ *Reg. Gregory IX*, no. 147.

⁴⁴ R. Naz, 'Sous-diaconat', *Dictionnaire de Droit Canonique*, vii, cols 1074–1078.

⁴⁵ This subject, only outlined here, can be supplemented by a comparison with the pioneering study of C. Schuchard, '*Defectus natalium* und Karriere am römischen Hof. Das Beispiel der Deutschen an der päpstlichen Kurie (1378–1471)', in *Illegitimität*, ed. Schmugge, 149–170 (5.1% of the 4458 German curialists, a total of 227, were of illegitimate birth).

⁴⁶ C.R. Cheney, *Pope Innocent III and England* (Stuttgart, 1976), 80–96; J.E. Sayers, *Papal Government and England during the pontificate of Honorius III* (Cambridge, 1984),

in larger numbers.⁴⁷ This was a product of the dynamics of a papal power which asserted its supremacy over local churches and remunerated its servants without itself paying, but it may also be explained by the desire of bishops, abbots and English monarchs to foster good relations with the pope so as to defend their political, legal and economic interests. Political difficulties prompted the vassal kings John and the young Henry III to portray themselves as even more generous towards a Holy See which could offer them protection. The Exchequer regularly paid out sums of between twenty and 100 marks to curialists and their relatives, in order to maintain favourable relations with the curia. This policy of financial inducements was developed more systematically after the crisis of the interdict.⁴⁸ Thus, by various means, several dozen prebends, parish churches and pensions assigned by the king or monasteries were granted to Cardinals, legates, notaries, chaplains and others, or to their nephews and cousins, most of whom were from Lazio.⁴⁹ Cardinal Ugolino benefited all the more from this climate by showing himself to be generally favourable towards the Plantagenet kings rather than their rival Capetians. Before the mid-1220s, it was particularly in the kingdom of England, rather than in the kingdom of France, that he rewarded his nephews. Thus, in 1213–1214, King John paid pensions to one or more nephews of Cardinal Ugolino. On 9 December 1213, the Exchequer paid the annual pension of forty marks for a nephew.⁵⁰ On 28 November 1214, it ordered a payment of 100 marks out of the 400 which the Cardinal received for a nephew, while waiting to provide him with a benefice.⁵¹ In 1214, the king used his rights of patronage over two churches in Essex to provide a nephew of the

177–189; M. Venditelli, 'In partibus Anglie'. *Cittadini romani alla corte inglese nel Duecento: le vicende di Pietro Saraceno* (Rome, 2001).

⁴⁷ P. Montaubin, 'Le gouvernement de la grace. La politique bénéficiaire des papes au XII^e siècle dans la moitié nord du royaume de France', 2 vols, unpublished doctoral thesis, University of Paris I, 1998, i, 301–446, ii, 613–620; L. Caillet, *La papauté et l'Eglise de France. La politique bénéficiaire du pape Jean XXII en France (1316–1334)* (Rouen, 1975), 296–305.

⁴⁸ On which, see the paper by Peter Clarke in this volume.

⁴⁹ Cheney, *Pope Innocent III*, 91–95.

⁵⁰ *Rotuli litterarum clausurarum in Turri Londinensi asservati*, ed. T. Hardy (London, 1833), i, 157a.

⁵¹ *Rotuli litterarum clausurarum*, ed. Hardy, 180a. On 21 November 1214, the king of England presented *Nicholus* (sic), clerk to the Cardinal bishop of Ostia, with the vacant churches of *Briche* and *Estorp*, but he should not be confused with the nephew Niccolò, who was still too young to have two parishes, *Rotuli litterarum patentium in Turri Londoniensi asservati*, ed. T. Hardy (London, 1835), i, 123b.

Cardinal with an income.⁵² The name of Ugolino's nephew, or nephews, is never specified in these documents, but they may have included Niccolò, who was still a child at this time, for the minimum canonical age to hold a benefice without cure of souls was seven. The favours which were clearly recorded in his name are however later than this.

By 19 September 1226,⁵³ Niccolò had already obtained the church of St Mary in Nottingham (with cure of souls), which fell under the patronage of the Cluniac priory of Lenton (in the diocese of York), following a promise made by the archbishop of York, Walter Gray, to Cardinal Ugolino. But shortly before 31 May 1234, Niccolò agreed to give up this church at the request of the priory, which intended to use its income for the care of the poor and guests. Gregory IX therefore returned this church to the priory, reserving however a suitable portion for the vicar.⁵⁴ These negotiations allowed Niccolò to receive substantial financial compensation: on 3 August 1233, in a letter drafted in Lenton, brother Roger, prior, and his community, considering the useful services which Niccolò had contributed and those which he might yet in future provide, either himself or through his friends, decided to grant him an annual pension of eighty marks sterling. It was to be payable to the Cluniac monastery in Bermondsey (in Southwark near London): half in the two weeks after Easter, and the second half in the fortnight following the feast of St Michael at the end of September. Alexander IV confirmed this on 11 December 1255.⁵⁵ Niccolò was to receive this substantial pension until his death. In 1273,⁵⁶ the executors of his will claimed 560 marks sterling, which probably corresponded to the final seven years, from 1266. Gregory X wrote on this matter to the prior of Holy Trinity, the dean of London, John of Chishull,⁵⁷ and *magister* Giovanni di Anagni, his chaplain.

⁵² *Rotuli litterarum patentium*, ed. Hardy, i, 123b; *Rotuli litterarum clausarum*, ed. Hardy, i, 180.

⁵³ *The register of rolls of Walter Gray, Lord archbishop of York*, ed. J. Raine (Durham, 1872), 11–12. The date is corrected according to the manuscript by D. Greenway in J. Le Neve, *Fasti Ecclesiae Anglicanae* (1066–1300), vi, *York* (London, 1999), 125 [henceforth *Fasti*].

⁵⁴ *Reg. Gregory IX*, no. 1946.

⁵⁵ *Reg. Alexander IV*, no. 925. It is probably this privilege which is mentioned in 1273 (ACA no. 284).

⁵⁶ ACA no. 284. The pension is also mentioned several years earlier in ACA no. 43.

⁵⁷ *Fasti*, i, *London* (London, 1968), 4, 7 (dean 1268–1273 and bishop of London 1273–1280).

No less lucrative, and indeed more prestigious, was Niccolò's canonry with a prebend at York Minster, one of those most coveted by Italians in England.⁵⁸ Cardinal Ugolino, who was not satisfied with the provision of the church at Nottingham to his nephew, had demanded a prebend for Niccolò from the archbishop of York. York was at the time negotiating the canonization of St William of York.⁵⁹ Archbishop Walter Gray (1216–1255) suggested the prebend of the collegiate church of Southwell (in the diocese of York), vacated by the death of *Gregorius de Carell*,⁶⁰ but before he had had a response from the Cardinal, he received a mandate from Honorius III on 19 September 1226. The Cardinal's procurator refused the vacant prebend, preferring that the papal letter should dictate procedure. The archbishop therefore conferred the first vacant prebend, with an income at least as high as that of the church at Nottingham, and specified that Niccolò would keep this church until he obtained a prebend in York.⁶¹ On 19 January 1227, Honorius III reminded the archbishop that he had already written several times instructing him to have Niccolò given a prebend in his cathedral. The provision claimed for *magister* Alessandro Nolano (to whom Pandolfo da Verraclo,⁶² bishop of Norwich and legate had made a promise) was not to hurt Niccolò.⁶³ In April 1228, he held the title of canon of York (not Evreux).⁶⁴ As the value of prebends was not identical in

⁵⁸ Sayers, *Papal government*, 177–178; *Fasti*, vi, 125 (Niccolò is only to be found in 1226–1227). Also to be found in York was Leonardo, the nephew of Innocent III who in 1213 reclaimed the prebend released by Cardinal Giovanni, the chancellor of the Roman church; *magister* Roffredo Scotto, the clerk of Cardinal Ugolino and canon of Anagni, was canon of York in 1217–1218 (*Reg. Honorius III*, nos 719, 1667; Montaubin, 'Entre gloire curiale', 432–433). Adinolfo, Niccolò's cousin, was canon of York from 1264–1289 (*Reg. Urban IV*, no. 1705; *Fasti*, vi, 95).

⁵⁹ Sayers, *Papal government*, 180.

⁶⁰ Probably a relative of the Roman Cardinal Gregorio Carelli, d. 1211 (Maleczek, *Papst und Kardinalskolleg*, 96–97).

⁶¹ *The register of rolls of Walter Gray*, ed. Raine, 11–12.

⁶² N. Vincent, 'The election of Pandulph Verraclo as bishop of Norwich (1215)', *Historical Research*, 68 (1995), 143–163; Pandolfo da Verraclo, originally of Campania, was nuncio in England 1211–1212, 1213–1215, bishop of Norwich, elected 1215, consecrated 1222, legate 1218–1221, papal *camerarius* 1217–1222, d. 12 September 1226.

⁶³ *Reg. Honorius III*, no. 6191.

⁶⁴ Paris, Arch. de l'Assistance publique-Hôpitaux de Paris, Cartulaire B de l'Hôtel-Dieu de Paris, fo 32v no. 126 (on display at the Musée de l'Assistance publique in Paris; I am very grateful to the curator for allowing me to consult this document). There is a mistaken reading of the manuscript (*Ebroicensis*/Evreux for *Eboracensis*/York) in *Archives de l'Hôtel-Dieu de Paris*, ed. L. Briele and E. Coyecque (Paris, 1894), no. 238.

the Anglo-Norman system, he tried to change prebend during his career, but ran into difficulties. Alexander IV granted him a privilege allowing him to continue to enjoy his income despite non-residence.⁶⁵ In 1268 (between 15 February and 29 November), Clement IV asked the archbishop of York, Walter Giffard, to investigate and return to Niccolò the prebend which had been assigned to him by Cardinal Ottobono Fieschi, legate in England (1265–1268),⁶⁶ but which *magister* Robert Burnell, chancellor to prince Edward,⁶⁷ had usurped more than two years previously. A letter from the Cardinal legate confirms that the nobleman *Johannes de Evill.* received the income from Niccolò's prebend in York, and at the time of his death, the church at York owed Niccolò 160 marks.⁶⁸ A quarter of the income of the church of *Diselet* (*Disselet/Droselt*) was also annexed to the York prebend. Gregory X wrote on this matter to the archdeacon of Rochester, William of St. Martin⁶⁹ and to *magister* Giovanni di Anagni and sent another letter addressed to the same Giovanni and the dean of Lincoln, William of Lexington.⁷⁰

Niccolò probably never lived in England. He made do with receiving the income from his benefices at a distance, through procurators and bankers. In 1269, from Saint-Omer in Flanders, his procurator Bartolomeo informed him by letter of the state of his revenues in England (mentioning large sums). This was in reply to a letter conveyed by *magister* Giovanni di Anagni⁷¹ in which Niccolò expressed

⁶⁵ Mentioned in 1273 (ACA no. 284).

⁶⁶ N. Schöpp, *Papst Hadrian V.* (Heidelberg, 1916), 123–205; A. Lewis, *The English Activities of Cardinal Ottobuono* (Manchester, 1937).

⁶⁷ ACA no. 34 (analysis in Mercantini, 'Nulli ergo', 77 no. 94). Robert Burnell was clerk to the young Edward, heir to Henry III, from 1260. He was in the forefront of the royal entourage before becoming royal chancellor from 1274 until his death in 1292. Archdeacon of York from 1270, and then bishop of Bath and Wells 1275–1292, in York, he occupied the prebend of Holme from 20 May 1267—the previous known incumbent of this prebend was *Martinus de Sancta Cruce* in 1259—and held it until 16 October 1272, on which date he took the prebend of Grindale (*Dictionary of National Biography* (Oxford, 1917), iii. 386–389; *Fasti*, vi, 35, 78, 79–80). Niccolò therefore had a considerable opponent and was unsuccessful in gaining this prebend at York.

⁶⁸ ACA no. 284.

⁶⁹ *Fasti*, ii, *Monastic Cathedrals* (London, 1971), 82 (archdeacon of Rochester 1253–1254).

⁷⁰ ACA no. 284; *Fasti*, iii, *Lincoln* (London, 1977), 11 (dean 1262–1272).

⁷¹ This papal chaplain lived in England for a long time, serving the interests of the Holy See and curialists. It is he who had responsibility for intervening to safeguard the rights of Bartolomeo di Adinolfo di Anagni, the cousin of Adinolfo, nephew of Gregory IX (*Reg. Urban IV*, no. 1311).

his concern about the payment of his pension by the priory of Lenton and the money which he was owed by Robert Burnell for the York prebend. He also used the services of a banker from Siena, Ugolino.⁷² In 1273 Giovanni di Anagni was still the procurator for his holdings in England, as Gregory X sent him various letters on the subject of Niccolò's English benefices.⁷³

In the kingdom of France, where he may have studied in 1228, Niccolò also obtained significant prebends, first at the cathedral of Sens, where he held the title of canon from April 1228⁷⁴ until his death.⁷⁵ He later held concurrently a canonry in Paris cathedral. From January 1249, like his cousin Adinolfo di Anagni, Niccolò owned a canon's house in the Paris cloister, taxed annually at eight livres.⁷⁶ This indicates that he had been a canon of Paris for some time, probably as a result of a conferment by Gregory IX or Innocent IV. He is regularly recorded as holding this benefice until his death.⁷⁷

Niccolò's various benefices in Italy seem to have been granted to him later.⁷⁸ He is only mentioned as being a canon of St Peter's in Rome at his death,⁷⁹ but he probably already held this position in

⁷² ACA no. 43.

⁷³ ACA no. 284.

⁷⁴ *Archives de l'Hôtel-Dieu de Paris*, ed. Brièle and Coyecque, no. 228. Vincent Tabbagh, who is preparing a volume on the diocese of Sens for the *Fasti Ecclesiae Gallicanae* kindly informed me that he has found no trace of Niccolò in the archives of the chapter of Sens Cathedral.

⁷⁵ The mention of a letter to the archbishop and canons of Sens at the time of the execution of his will (ACA no. 284) suggests that Niccolò was still canon of this cathedral at the time of his death.

⁷⁶ *Cartulaire de Notre-Dame de Paris*, ed. Guérard, ii, 413 no. 8. The *Nicolaus de Campania* mentioned in 1213 (*ibid.*, i, 357 no. 51) is a secular lord, and different from the canon of 1249, contrary to what the index suggests.

⁷⁷ A privilege of Alexander IV that he should still receive the income from his prebend in Paris despite his absence (mentioned in 1273; ACA no. 284); attested in 1258 (eighteenth-century catalogue of scholars: Paris, Archives Nationales, LL86 fo. 39), 23 January 1266 (*Reg. Clement IV*, no. 211), 1273 (mention of a letter to the bishop and chapter of Paris in the execution of his will; ACA no. 284). No trace is found of him in obituaries, in either Paris or Sens, *Obituaires de la province de Sens*, ed. A. Longnon, i (Paris, 1902) and it is his cousin Adinolfo who founded the anniversary for Gregory IX on 26 August at Paris Cathedral (*ibid.*, 170–171, 178).

⁷⁸ In 1232 (?), the church of S. Maria de 'Septimo', which fell under the monastery of Venosa, was conferred on a Niccolò of Anagni, a cleric and clerk of the pope, by Gregory IX (*Reg. Gregory IX*, no. 934). This however was probably not the pope's nephew.

⁷⁹ *Liber anniversariorum basilicae Vaticanae (Necrologi e libri affini)*, ed. Egidi, 280, 291).

1253.⁸⁰ In that year his procurator, *Jacobi Cinthii Guidonis*, canon of St Peter's in Rome, bought a vineyard with a fountain and a reservoir located behind the basilica, near the canons' houses and the garden of the papal almonry, from Pandolfo di Pandolfo da Subura, another canon of St Peter's, for 12 lire. In his home diocese, Niccolò received modest benefices. He was not part of the chapter of Anagni cathedral, probably not wishing to be tied to the obligations of communal life.⁸¹ Although only a sub-deacon, Alexander IV conferred on him the church of Sant'Angelo in Anagni before 9 February 1261, the date on which the pope appointed the bishop of Anagni, Giovanni Compater, as judge in a dispute between this church and the church of Sant'Andrea (also in Anagni) over a number of mills.⁸² On 12 April 1264, Urban IV granted him the church of S. Pietro d'Apazano, near Pescina in the diocese of Marsi.⁸³ The executor of the mandate, a canon of Anagni, Adinolfo di Bezo⁸⁴ therefore had to refuse this position to the bishop of Chieti, Niccolò di Fossa,⁸⁵ for whom the church had been reserved while he was waiting to take possession of his diocese in the kingdom of Sicily, then controlled by Manfred. Niccolò di Fossa, who was from a noble family of the Abruzzo and chaplain to Cardinal John of Toledo (a friend of Niccolò di Anagni), had been appointed bishop on 27 June 1262, but was only able to enter his diocese in 1263. On 28 October 1263 however, Urban IV, enacting a decision of Alexander IV's, had ordered an investigation designed to depose him as bishop since he was wrongly suspected of assisting Manfred. In the end he kept his see in Chieti until his death in 1278/1280. The church of

⁸⁰ ACA no. 705. In this document, Niccolò holds the title of papal chaplain and not canon of St Peter's.

⁸¹ Montaubin, 'Entre gloire curiale', 377.

⁸² ACA no. 13. Gregory IX's family owned numerous properties in the Sant'Angelo district of Anagni. Niccolò received some of these from his uncle, the Cardinal/late pope in 1219 and 1227. The church of Sant'Angelo was one of the city's most important churches, and had a bell-tower, two doors, was partly restructured in the thirteenth century, and was one of few in the town to be fronted by a small square. It abutted the family's palace (Marchetti Longhi, 'Ricerche sulla famiglia', 291–294; Idem, 'Anagni di Bonifacio', 167–206).

⁸³ *Reg. Urban IV*, no. 2510; P. Sella, *Rationes decimarum Italiae. Aprutium-Molisium* (Vatican City, 1936), 29, 45 (S. Pietro 'de Paczano').

⁸⁴ Attested from 1246 to 1267 (Montaubin, 'Entre gloire curiale', 402).

⁸⁵ N. Kamp, *Kirche und Monarchie im staufischen Königreich Sizilien. Prosopographische Grundlegung. Bistümer und Bischöfe des Königreichs 1194–1266*, 4 vols (Munich, 1973–82), i, 13–15.

S. Pietro was therefore probably returned to Niccolò, but there are no further records. Finally, from 10 October 1272,⁸⁶ Niccolò held the church of Sant'Antonino, without cure of souls, located in the diocese of Anagni on a hill on the border with the diocese of Ferentino, but under the jurisdiction of Anagni. He intended to part with it to found a monastery of Celestines.

Niccolò was always in an awkward position with regard to his ecclesiastical benefices. As a non-resident (except in the churches at Anagni), a simple sub-deacon although these positions brought with them the *cura animarum*, and of illegitimate birth, he needed constant papal dispensations in order not to infringe canon law. Although they were more lucrative than the benefices in central Italy, the French and English ones involved difficult and onerous management. It was necessary to employ a procurator to protect his interests and defend his rights against competing clerics, to ensure that the churches regularly made their payments, and to rely on the services of Italian bankers. Indeed it was in England that Niccolò encountered the greatest number of difficulties until the execution of his will.

From Small Beginnings to the Roman Curia: The Papal Chaplain

Most of Niccolò's benefices were granted to him before he began to carry out important missions for the Roman curia.⁸⁷ It was the young cleric, nephew of a Cardinal, then the pope, a simple chaplain from 1227, who was being rewarded. His responsibility as *camerarius* to Alexander IV brought him nothing substantial in this regard. He already enjoyed very comfortable ecclesiastical incomes in areas coveted by members of the curia *in orto concluso, idest in Francia, et fonte signato, idest in Anglia* (in the enclosed garden that is France and the distinguished fountain that is England).⁸⁸

His career was probably prepared for by studies in the best schools in Christendom, as had become customary since the twelfth century

⁸⁶ ACA, *Liber privilegiorum*, no. 12.

⁸⁷ *I canonici al servizio dello Stato in Europa, secoli XIII–XVI*, ed. H. Millet and E. Mornet (Ferrara, 1992); Montaubin, 'Le gouvernement de la grâce', ii, 315–323.

⁸⁸ Latin poem cited in P. Sambin, 'Un certamene dettatorio tra due notai pontifici (1260). Lettere inedite di Giordano da Terracina et di Giovanni da Capua', in *Note e discussioni erudite*, ed. A. Campana, 5 (1955), 26.

for young clerics from curial families destined for brilliant careers in the Church.⁸⁹ Niccolò never held the title of *magister*, except in two papal letters, which are unconvincing exceptions.⁹⁰ On the other hand, he is habitually granted the title of *dominus*, which indicates a privileged social position in Italian society.⁹¹ It is still however probable that Niccolò had studied in Paris, like his distant cousin Innocent III, his uncle Gregory IX and his cousin Adinolfo, amongst others. Indeed, in April 1228, he executed the will of *magister Petrus Luce* (probably an Italian, Pietro di Luca), who founded an anniversary at the Hôtel-Dieu in Paris by leaving vineyards in Saint-Germain des Prés and Saint-Marcel.⁹² Although the charter which Niccolò delivered, sealed with his personal seal (now lost), does not mention the place of issue, the precision of the topographical information and the recipient institution of the bequest allow us to deduce that he was then in Paris. His presence there might be readily explained by the start of university studies, though perhaps impeded by the strike between 1228 and 1231, which was resolved by Gregory IX in favour of the masters and students. On the other hand, Niccolò did not hold the title *magister* at this time, a title which he would not have failed to mention in the Parisian context.

Niccolò's curial career started more modestly than his collection of benefices. He held the title of papal chaplain, as a sub-deacon, from 30 June 1227 and retained it until his death.⁹³ His entry into the papal chapel is directly connected to the election of his uncle as pope Gregory IX. The first duty of the chaplains was to assist the pope, according to their rank, in the many liturgical activities which punctuated the daily life of the curia. When the title was not accorded

⁸⁹ P. Classen, 'Rom und Paris: Kurie und Universität im 12. und 13. Jahrhundert', in *Studium und Gesellschaft*, ed. J. Fried (Stuttgart, 1983), 127–168; K. Pennington, 'The legal education of pope Innocent III', *Bulletin of the Institute of Medieval Canon Law*, 14 (1974), 70–77.

⁹⁰ 1 July 1248 (*Reg. Innocent IV*, no. 4613), 23 January 1266 (*Reg. Clement IV*, no. 211).

⁹¹ My work on thirteenth century sources allows the following empirical conclusion: Italian noblemen who had studied were more likely to hold the title of *dominus* than *magister* in the Italian sources, while French sources favour the title *magister*.

⁹² *Archives de l'Hôtel-Dieu de Paris*, ed. Brièle and Coyecque, no. 238.

⁹³ He did not yet hold this title on 19 September 1226; *Reg. Gregory IX*, no. 147; ACA no. 284; R. Elze, 'Die päpstliche Kapelle im 12. und 13. Jahrhundert', *Zeitschrift für Rechtsgeschichte der Savigny Stiftung, Kanonistische Abteilung*, 36 (1950), 145–204 (Niccolò is mentioned, 193 note 295, 196).

simply in an honorary capacity it also defined the circle of collaborators from whom the pope drew his aids to run his administration: clerks and lawyers for the Chancery, clerks for the Camera, auditors, legates, executors of mandates, and so on. Before Alexander IV's pontificate, Niccolò did not occupy an important official position in the court of Gregory IX or Innocent IV, nor did he carry out any prominent missions.⁹⁴ He is not mentioned as a member of a Cardinal's *familia*, but he probably lived, at least intermittently, in the household of Cardinal Rinaldo, the future Alexander IV.⁹⁵ There may be many reasons for this mediocre career in the curia before 1254: he was still too young under Gregory IX, Celestine IV's pontificate was very brief, and was followed by a long vacancy, Innocent IV was absent in Lyon, while Niccolò also perhaps had insufficient personal ambition, or insufficient legal expertise to be entrusted with important business.

While still papal chaplain, Niccolò appears not to have followed Innocent IV to Lyon (1244–1251) and remained instead in Campania, where the Fieschi pope, elected at Anagni on 24 June 1243, sent him on modest missions which bear witness to his geographical and social roots in a region faithful to the Holy See. On 1 October 1247, Innocent IV gave him a mandate to provide his courier Giovanni *de Abbatia* with a fief and the castles of Paliano and Fumone.⁹⁶ Fumone, strategically positioned at the meeting point of the Aniene and Sacco valleys, belonged to the Roman church, but was given as a fief several times from the middle of the twelfth century. On 3 September

⁹⁴ Historians, from Panvinio to Eubel have been wrong to identify him with a Cardinal created by Gregory IX in 1230, going by the name of Niccolò da Segni, and a legate in Armenia (refutation in Paravicini Bagliani, *Cardinali di curia*, ii, 531–532).

⁹⁵ Paravicini Bagliani, *Cardinali di curia*, i, 54–60. Niccolò has not however been pinpointed as a member of this *familia* which contrasts sharply with other Cardinals' households because of the pattern of recruitment, centred particularly on the Roman Campania. It gives the impression of a 'vita tranquilla, ritirata, senza grandi incarichi et uffici'. In this respect, Niccolò would have been perfectly at home.

⁹⁶ *Reg. Innocent IV*, no. 3395. In 1249, this Giovanni 'de Abbatia', the pope's porter, received income from Ninfa (*Reg. Innocent IV*, no. 4556). G. Marchetti Longhi, 'Pervetusta Fumonis Arx', *ASRSP*, 47 (1924), 189–320, esp. 242–247 (though this is full of uncertainties and hypotheses; it is important to stress the partition of property and rights, which increases with each generation and makes the situation in the middle of the thirteenth century difficult to disentangle, given the incomplete nature of the sources). On the castral 'consorterie', see Cortonesi, *Terre e signori*, 175–217, 237–253.

1245, Cardinal Rinaldo and the pope's other vicars in Campania conceded it to Tommaso, *miles* of Anagni, the brother of the papal chaplain Stefano di Anagni, and a member first of pope Gregory IX's, then of Cardinal Rinaldo's household. Once pope, Alexander IV ratified this concession in 1255.⁹⁷ The mandate in favour of Giovanni *de Abbatia* can therefore have concerned only part of the castle. After Tommaso, the *rocca* of Fumone fell to Niccolò under terms which are unknown, but it was from him that Urban IV was to reclaim it in 1263. On 16 March 1248, Innocent IV confirmed the sentence of condemnation and a fine imposed by Niccolò, his judge delegate, against the citizens of Sezze who had attacked the lords of Trevi (in the diocese of Terracina), destroyed their castle and imprisoned Guido di Trevi's son.⁹⁸ The rector of the province exacted a heavy fine of 5000 lire.⁹⁹ On 15 June 1248, the Fieschi pope named him executor for the provision of a prebend *sub expectatione* for a church in the kingdom of Sicily in favour of Angelo, the son of Odo di Sant'Eustachio of Rome, and devoted to the pope.¹⁰⁰ Odo was also a relative of Alexander IV, which supports the idea that an executor was chosen who was close to both parties. On 1 July 1248, Innocent IV instructed Niccolò to receive from Pietro, the son of Giovanni *dictus Major*, former porter of Gregory IX, the resignation of a benefice in the church of S. Paolo in Anagni which was judged an insufficient living, and which Pietro had obtained by papal conferment. Niccolò was then to provide him with a suitable benefice in the city, or in the diocese of Anagni as soon as the opportunity arose.¹⁰¹ Finally, on 16 July 1254, Innocent IV appointed him apostolic custodian of a privilege for the church of Sant'Angelo, Anagni, allowing the archpriest and clergy of this church to refuse to accommodate papal candidates for a benefice when the *numerus*

⁹⁷ *Reg. Alexander IV*, no. 766; A. Mercantini, 'Stephanus de Anagnia domini pape capellanus', *Latium*, 11 (1994), 117.

⁹⁸ *Reg. Innocent IV*, no. 3729.

⁹⁹ Caciorgna, *Marittima medievale*, 252.

¹⁰⁰ *Reg. Innocent IV*, no. 3958. Thumser, *Rom und der römische Adel*, 190–193; Carocci, *Baroni di Roma*, 405–413, 411 note 6). Given the political circumstances, it is unlikely that this apostolic conferment came to anything positive. In any case, Angelo di Sant'Eustachio seems to have become secular again already in 1269.

¹⁰¹ *Reg. Innocent IV*, no. 4613. In 1280, this Pietro di Giovanni Maior, a priest, and cleric in the church of S. Andrea, Anagni, participated in the investigation which defined the boundaries of the parishes of Anagni (ACA no. 225, ed. in Marchetti Longhi, 'Anagni di Bonifacio VIII', 173, 198).

clausus had been reached.¹⁰² Some months or years later, Alexander IV conferred this same church on Niccolò.

Throughout these years, Niccolò probably remained in regular contact with Cardinal Rinaldo, dean of the Sacred College, who took refuge in Anagni during the interregnum of 1241–1243. He remained in central Italy to defend the interests of the pope exiled in Lyon (1244–1251), with the assistance of Cardinals Stefano Conti (papal vicar in Rome), Riccardo Annibaldi (rector of Campania 1240–1248, before returning to Lyon in 1250), and Raniero da Viterbo (vicar in the Patrimony, the Duchy of Spoleto and the Marches), and then the legate Pietro Capocci, from 1248 to 1251.¹⁰³ This may explain why Rinaldo, when he became pope, gave Niccolò the very important job of *camerarius*, having tested his loyalty and abilities over the preceding years. The links between Niccolò and Rinaldo, who was born before 1192 (1180/1185?), the son of Filippo of the lords of Jenne¹⁰⁴ (diocese of Anagni), were all the stronger for being compatriots and probably relatives.¹⁰⁵ Rinaldo had made his career in the cathedral at Anagni, then from 1219 in the wake of Cardinal Ugolino, who, as pope, appointed him *camerarius* (documented 5 October 1227–6 May 1231), and hastened to have him enter the College as Cardinal deacon of S. Eustachio on 18 September 1227 (Gregory IX's title before 1206), and then Cardinal bishop of Ostia in 1231, consecrated in 1235 (Gregory own title from 1206 to 1227). A real intimacy therefore united Gregory IX and Alexander IV, who shared the same affection for Franciscans and Damianites.

Camerarius to Alexander IV

The success of Cardinal Rinaldo, who was elected pope as Alexander IV on 12 December 1254, reflected directly on Niccolò. As *camerarius*

¹⁰² *Reg. Innocent IV*, no. 7851.

¹⁰³ D. Waley, *The Papal State in the thirteenth century* (London, 1961), 146–147.

¹⁰⁴ S. Andreotta, 'La famiglia di Alessandro IV e l'abbazia di Subiaco', *Atti e memorie della Società Tiburtina di Storia e d'Arte*, 35 (1962), 63–126 and 36 (1963), 5–87.

¹⁰⁵ Only Matthew Paris states that Alexander IV is a nephew of Gregory IX, *Chronica Majora*, 7 vols, ed. H.R. Luard, *RS*, 57 (London, 1880), v, 472. G. Marchetti Longhi ('Ricerche sulla famiglia', 282 note 1) has questioned this assertion maintained by S. Andreotta, 'La famiglia di Alessandro IV', i, 88, 118. In 1227, Gregory IX personally owned rights to the castle at Jenne. (Marchetti Longhi, *ibid.*, 305–306).

he became the most important official in the curia for six and a half years. Following the last *camerarius* to Innocent IV, *magister Boetius* (documented 9 November 1251–19 June 1254), he is the only man recorded in this role from 6 February 1255 until 9 February 1261.¹⁰⁶ The new pontiff clearly had complete confidence in a cleric from Anagni with a career which until then had been ordinary but of whose skills and qualities he had long been aware. In 1255 Alexander assigned to Gregory IX's nephew the responsibility with which he had himself been entrusted by Gregory IX from 1227 to 1231. Alexander IV surrounded himself moreover with numerous relatives and followers from the Roman Campania, men such as his seneschal Bartolomeo da S. Germano (1255).¹⁰⁷ At a time when the papacy was planning to annex the kingdom of Sicily or to entrust it to a third party, Niccolò had the advantage of being very familiar with southern Lazio, the testing ground for the rule of the Gregorian popes and the effective border with the kingdom of Sicily. His curia often stayed in Anagni:¹⁰⁸ the podestà in 1258 was none other than Mattia,¹⁰⁹ Niccolò's nephew.

The Camera is not the best-known curial service.¹¹⁰ After 1231 the role of *camerarius* was no longer given to a Cardinal, and instead fell normally to a member of the papal chapel, like Niccolò.¹¹¹ The *camerarius*, was appointed by the pope, was directly answerable to him, and lived in the papal palace.¹¹² He worked closely with the reigning pontiff, who often delivered his orders directly, and orally.

¹⁰⁶ B. Rusch, *Die Behörden und Hofbeamten der päpstlichen Kurie des 13. Jahrhunderts* (Königsberg, 1936), 140 (only partly on Niccolò); *Reg. Alexander IV*, no. 165 (the pope confirms a loan of 96 marks made with bankers of Siena for the needs of the Roman church); ACA no. 13.

¹⁰⁷ Paravicini Bagliani, *Cardinali di curia*, i, 54–55.

¹⁰⁸ A. Paravicini Bagliani, 'La mobilità della curia romana nel secolo XIII. Riflessi locali', in *Società e istituzioni dell'Italia comunale: l'esempio di Perugia (secoli XII–XIV)* (Perugia, 1988), 155–278. On the death of Alexander IV, sealed documents and property of the Roman church (therefore the responsibility of the *camerarius*), and of the bishopric of Ostia and Velletri (the Cardinalacy which Alexander IV had retained during his pontificate), gold or silver vases, silk or other types of brocade, were left in the sacristy of Anagni cathedral or with bishop Giovanni Compater. On 25 March 1262, Urban IV called for their return (ACA no. 169; discussion in Mercantini, 'Nulli ergo', 61–62 no. 71).

¹⁰⁹ ACA, *Liber* no. 15 (this does not however prevent Mattia from infringing on the privileges of the Church of Anagni).

¹¹⁰ Rusch, *Die Behörden*, 20–38; W.E. Lunt, *Papal Revenues in the Middle Ages*, 2 vols (New York, 1934) i, 3–56.

¹¹¹ Elze, 'Die päpstliche Kapelle', 195–197.

¹¹² The house of the *camerarius* is mentioned among the buildings of Innocent III

At all times, he had to be ready to submit accounts at the request of his master. At the end of his office, he received a quittance from the pope once his administration had been approved. The *camerarius* managed the pope's personal property, the estates of the Roman church, the papal state and papal finances. This included the census from churches directly subject to the Holy See, tributes paid by vassal kingdoms, Peter's pence, taxes on income from ecclesiastical benefices, subsidies for the Roman church, taxes on visits *ad limina*, rights to spoils, bequests and confiscations, and many others. These revenues increased over the course of the thirteenth century (owing to territorial expansion in central Italy, and the collection of new taxes all over Christendom), but expenses increased in parallel (because of wars with the Hohenstaufen, the financing of crusades, the lifestyle of the members of the curia and so on). Only from the time of Gregory X, and especially Nicholas IV, did the Cardinals manage their incomes more independently. As head of the pope's household, the *camerarius* also held jurisdiction over most of the curialists, including the personnel of the Camera, encompassing the treasurer (who, from the time of Innocent IV, was responsible for the treasury, the library and the archives), six or seven clerks, individual *scriptores*, an auditor, collectors sent into the dioceses, bankers appointed by the Camera, and so forth. The *camerarius* had his own *familia*, but Niccolò's *familia* is not known.

Alexander IV was heavily in debt because of the declining political position of the papacy in Italy.¹¹³ Even though imperial power was significantly weakened at the time of the death of Frederick II, the pope still could not control the Italian peninsula. He had to struggle endlessly against the ambitions of the aristocracy, the expansion of the communes and the pretensions of Manfred and Conradin. From 1254, the papacy proved incapable of taking hold of the kingdom of Sicily. Continuing with Innocent IV's policy, on 9 April 1255

in the palace of the Vatican (*Gesta*, col. ccxi). On 7 March 1256, Lorenzo Cardinali, a Roman citizen, promised to repair free of charge the roofs of the residences of the pope and his *camerarius* at the Lateran palace because the *camerarius* (Niccolò) had promised him a food allowance. (*Le Liber Censusum*, i, 592 no. 357).

¹¹³ This was still the case in mid-century according to E. Jordan, *Les origines de la domination angevine en Italie* (Paris, 1909), 94–289, who accuses Alexander IV of being incapable of taking charge of the situation; Tenckhoff, *Papst Alexander IV*, 24–136; Waley, *The Papal State*, 158–165.

Alexander IV bestowed the kingdom on Edmund, the son of Henry III of England. In return the Plantagenet king was responsible for paying back the enormous costs of war which had already been disbursed by the Holy See (135,541 marks sterling) and conquering a state on which Manfred now had a firm hold. The bastard Hohenstaufen, who was crowned in Palermo in 1258, launched attacks in the March of Ancona from 1260, threatened the Duchy of Spoleto and extended his influence in central and northern Italy. Even in Rome, the formidable popular government of Brancalone (who died in 1258), and subsequently the election of Manfred as senator in 1261 made the City less secure for the pope. These political and military difficulties aggravated the long-term financial deficit left by Innocent IV. Henry III in fact fulfilled his financial engagements only partially, and his military objectives, as defined by the treaty of 1255, not at all.

Alexander IV, with his *camerarius*, sought to avoid bankruptcy, as the Roman church, which was heavily in debt, had lost all credit with bankers.¹¹⁴ It was perhaps to save on the living costs of members of the curia that the pope made no appointments to the Cardinalate. Quick returns on money were also sought: raising tithes, new loans from bankers, and anticipated payment of the census due to the Holy See for the following forty years by some monasteries in central Italy.¹¹⁵ The collection of chancery taxes was more strictly controlled by drawing up the earliest known list and systematically noting the taxation mark under the *plica*.¹¹⁶ The obligation of prelates directly subject to the Holy See to visit *ad limina* to receive their confirmation was generalised in 1257. This also had financial implications, for it guaranteed that the pope would collect a special, pre-existing tax. On the other hand, A. Gottlob's thesis, attributing the creation of a service tax to Alexander IV, remains controversial.¹¹⁷ The custom of bishops and abbots appointed or confirmed by the pope in consistory giving presents to members of the curia, is attested

¹¹⁴ Tenckhoff, *Papst Alexander IV*, 251–260, it is surprising that he does not mention Niccolò's management of papal finances; he is cited, under a different name 'Nikolaus von Genna', 317, only to illustrate Alexander IV's nepotism.

¹¹⁵ Lunt, *Papal revenues*, 63.

¹¹⁶ P. Herde, *Beiträge zum päpstlichen Kanzlei- und Urkundenwesen im dreizehnten Jahrhundert*, 2 edn. (Kallmünz, 1967), 191–192.

¹¹⁷ Tenckhoff, *Papst Alexander IV*, 252–253; A. Gottlob, *Die Servitientaxe im 13. Jahrhundert* (Stuttgart, 1903), 69–100; Lunt, *Papal revenues*, i, 81–83.

from the start of the thirteenth century and provoked scandal because of curialists' greed. The substitution of this practice with a tax possibly dated back to the time of Innocent IV. Nevertheless, it is certain that the payment of fixed *servitia* developed under Alexander IV and over the third quarter of the thirteenth century. Whatever the case, Niccolò as *camerarius* necessarily played a part in the institutionalization of this tax, which had the advantage of providing large incomes, avoiding immoral injustices and directly supporting the lifestyle of curialists of all ranks (it was divided from the time of Alexander IV into *servitia communia*, shared by the pope and the Cardinals, and *servitia minuta*, shared among the pope's and Cardinals' officers). Nevertheless, despite the pressing financial difficulties, Alexander IV, probably in agreement with his *camerarius*, avoided scandalous expedients and sought to improve the ethics and practice of tax collection: the publication of chancery taxes and the creation (or development) of common services instead of more or less openly given gifts protected users of the curia from the greed of certain curialists. Similarly, in 1256, Alexander IV regulated the procurations collected by papal envoys, who now had to have special authorization from the pope.¹¹⁸ He also proved himself more reasonable than his predecessor Innocent IV in the policy of granting ecclesiastical benefices.¹¹⁹ These measures were part of a global approach to cleaning up the financial business of the Holy See. Nonetheless on his death, Alexander IV left his successor debts of more than 150,000 marks with bankers in Rome, Siena and Florence.

Very few other records give evidence of the ordinary duties of Niccolò as *camerarius*,¹²⁰ but although the reforms to the apostolic Camera seem to have been more considerable under Innocent IV, and then under Urban IV, a number of clues stress the dynamism of Niccolò's management as *camerarius* from 1255–1261. While he probably played only a secondary role in the reorganization of the Camera's archives and the continuation of the *Liber censuum* in the thirteenth century,¹²¹ Niccolò was careful to preserve the accounts

¹¹⁸ Lunt, *Papal revenues*, 533, 543–545.

¹¹⁹ G. Barraclough, 'The constitution *Execrabilis* of Alexander IV', *EHR*, 49 (1935), 193–218.

¹²⁰ *Reg. Alexander IV*, no. 165; *Reg. Urban IV*, nos Cam. 46, Cam. 146.

¹²¹ P. Fabre (*Le Liber censuum*, i, 13–25) estimates that the first phase of compilation of records issued during the first half of the thirteenth century and added to the *Liber Censuum* of 1192, dates to the end of 1254 (Innocent IV), rather than the

from his administrative service. The inventory of papal registers of 1339 indeed mentions a volume, now lost, entitled: *liber receptorum tempore domini Nicolay de Anagnia camerarii domini Alexandri pape IIII*.¹²² This register, surely containing copies of receipts, indicates the creation of specialised archives for a Camera which was being modernised, and which, in a subsequent decisive stage, set about compiling its own registers from the time of Urban IV.¹²³

Niccolò probably also worked to preserve the memory of the pontificate of his uncle Gregory IX. He is definitely not the compiler of the *Vita Gregorii IX*, which must have been written in 1239 and mid-1240 by the latter's *camerarius*, Giovanni da Ferentino (1236–1238).¹²⁴ Yet it is possible that Niccolò had in part inspired this work: indeed the text bears witness to a great affection for the city of Anagni, it is attentive to the pope's family and includes Gregory IX in the hagiographic tradition, stressing the protection granted to Mendicant orders and generosity towards the poor. In particular, this *Vita*, copied into a separate quire, was inserted into the codex of the *Liber Censuum* between 1254 and 1265,¹²⁵ most likely at the instigation of Niccolò as *camerarius* between 1255 and 1261. This was a resumption of the historiographical and curial tradition of the twelfth century (Boso, Albinus), which Cencius had interrupted in 1192 in separating the *Liber censuum* from the *Liber pontificalis*. This return to former practices came about less on the part of the French *camerarii* of Urban IV, who had recently come to the Roman curia, than on that of the nephew of Gregory IX himself, from a Roman Campania which was protective of the Gregorian spirit.

This *Vita Gregorii IX* constituted a stage in the innovative evolution of pontifical historiography in the thirteenth century after the

start of 1255 (Alexander IV). This would rule out Niccolò's intervention, at least as *camerarius*, given the time needed for this large task, unless we suppose that Niccolò was part of the apostolic Camera before 1255, which cannot so far be confirmed.

¹²² H. Denifle, 'Die päpstlichen Registerbände des 13. Jahrhunderts und das Inventar derselben vom Jahre 1339', *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, 2 (1886), 80.

¹²³ E. Pasztor, 'I registri camerali di lettere ponteficie del secolo XIII', *AHP*, 11 (1973), 7–83.

¹²⁴ 'Vita Gregorii IX', in *Le Liber censuum*, ii, 18–36; J. Marx, *Die Vita Gregorii IX. quellenkritisch untersucht* (Berlin, 1889); Rusch, *Die Behörden*, 140.

¹²⁵ Florence, Biblioteca Riccardiana, MS. 228; P. Fabre, 'Les vies des papes dans les manuscrits du *Liber censuum*', *Mélanges d'Histoire et d'Archéologie*, 6 (1886), 147–161.

interruption of the *Liber pontificalis* in the twelfth.¹²⁶ There are aspects in common with the works of Boso and Albinus (a particular attention to the temporal rights of the Holy See) and with the *Gesta Innocentii III*¹²⁷ (the use of the papal archives, interest in financial questions, buildings constructed by pontiffs, and policies for the recuperation of land in central Italy). But more than the earlier works, it praises the universal superiority of the papacy in accordance with the Christlike nature of the pope. The *Vita Gregorii IX* is unfinished, given that the account ends suddenly in July 1240 and omits the final year of the pontificate, but is linked directly to the *Vita Innocentii IV*, drafted around 1256–1268 by Niccolò da Calvi, who lingered on the opposition between Gregory IX and Frederick II in 1240–1241.¹²⁸ After *camerarius* Niccolò, historiographical initiatives followed different logics: the *Vitae* of Urban IV (in prose and verse) and Gregory X involved initiatives which were foreign to the curial administration. The *Chronica pontificum et imperatorum*, begun by the papal penitentiary *Martinus Polonus* over the interregnum of 1268–1271 opened a new era in the writing of papal history.

Although very highly placed in the curial hierarchy, Niccolò occupied an unobtrusive position, and does not appear to have dealt with important business beyond financial administration. On 11 March 1256, he interceded with Alexander IV for the latter to grant a dispensation allowing Pierre, archdeacon of the Gâtinais in the church of Sens, to hold this benefice in conjunction with another.¹²⁹ On 7 July 1257, he intervened in order that the pope grant Benedict, the archbishop of Esztergom in Hungary, the privilege of not having to

¹²⁶ A. Paravicini Bagliani, 'La storiografia pontificia del secolo XIII. Prospettive di ricerca', *Römische Historische Mitteilungen*, 18 (1976), 45–54 (at 53 note 25 the author suggests that Niccolò is the editor of the *Vita*, but does not pursue this); Idem, 'Le biografie papali ducentesche e il senso della storia', in *Il senso della storia nella cultura medievale italiana (1100–1350)* (Pistoia, 14–17 maggio 1993) (Pistoia, 1995), 155–173.

¹²⁷ B.M. Bolton, 'Too important to neglect: The *Gesta Innocentii PP III*', in *Church and Chronicle in the Middle Ages: Essays presented to John Taylor*, ed. G.A. Loud and I.N. Wood (London, 1991), 87–99; G. Barone, 'I *Gesta Innocentii III*: politica e cultura a Roma all'inizio del Duecento', in *Studi sul Medioevo per G. Arnaldi*, ed. G. Barone, L. Capovilla and S. Gasparri (Rome, 2000), 1–23.

¹²⁸ 'Vita Innocentii IV', ed. Melloni, *Innocenzo IV*, 259–293.

¹²⁹ *Reg. Alexander IV*, no. 1231. This archdeacon is probably Petrus 'de Chailliaco', attested from 1247 to his death in 1271 (Arch. Dép. du Nord, 3 G 124 no. 1140; Arch. Dép. de l'Yonne, G 121 nos 11–12; Paris, Bibliothèque Nationale, MS. lat. 9895, fo 5, MS. lat. 9896, fo 40; *Registrum visitationum archiepiscopi Rothomagensis*, ed. T. Bonnin (Rouen, 1858), 440–441; I am grateful to Vincent Tabbagh for information on this cleric).

obey papal letters summoning him to appear before the bishop of Zagreb.¹³⁰ In a more private context, on 4 December 1256,¹³¹ he was chosen as one of four executors of the will of Stefano di Anagni, certainly an old acquaintance as he was a canon of Anagni from 1221, a close associate of Gregory IX (*camerarius* when he was Cardinal in 1221, papal chaplain from 1228, rector of Campania and Maritima in 1236–1237, perhaps even until 1239) and of the future Alexander IV (in the Cardinal's household in 1252).

Retirement After 1261

During the interregnum between the death of Alexander IV (25 May 1261) and the election of Urban IV (29 August 1261, crowned 4 September), Niccolò, as *camerarius*, probably continued to administer the ongoing financial business of the Roman church, as was already customary in the thirteenth century, even before the constitution *Ne Romani* of 1311.¹³² But the election of the Frenchman Jacques de Troyes/Urban IV fundamentally transformed the networks within the curia and led to the withdrawal of some Italians.¹³³ Urban IV, who was not closely linked to the preceding curial administration, and a stranger to the circle of clerics from Anagni, surrounded himself with men who were often new to the Roman curia. From his accession, Niccolò was replaced by a new *camerarius*, Pierre de Ronceval, who was himself quickly promoted to archbishop of Bordeaux on 23 March 1262.¹³⁴

Niccolò's administration was not openly criticised,¹³⁵ but the arrival of the French led to a swift take-over of the financial business of

¹³⁰ *Reg. Alexander IV*, no. 2055.

¹³¹ ACA no. 292, ed. in Mercantini, 'Stephanus de Anagnia', 113–190, correcting Caraffa, 'Il testamento di Stefano d'Anagni', 97–117; Montaubin, 'Entre gloire curiale', 435–436.

¹³² L. Spinelli, *La vacanza della Sede apostolica dalle origini al concilio tridentino* (Milan, 1955), 68–69, 131–228.

¹³³ Jordan, *Les origines*, 291.

¹³⁴ He resigned from the Camera on 30 April 1262 and was replaced by Pierre de Charny, dean of Sens, from 4 August 1262; C. Eubel, *Hierarchia catholica Medii Aevi* (Münster, 1913), i, 150; *Le Liber censuum*, i, 585 no. 340; Rusch, 'Die Behörden', 140 (partly in error as it ignores Pierre de Charny, confusing him with Pierre de Montbrun, *camerarius* only from 1268); *Reg. Urban IV*, no. Cam. 46. I am preparing a study of the three French *camerarii* between 1261 and 1272.

¹³⁵ The presentation of the financial situation left by Alexander IV is probably exaggerated in Jordan, *Les origines*, 310.

the Holy See. The tax collectors, especially the bankers used by Alexander IV, were summoned to submit accounts to the curia. Urban IV examined closely the complaints of certain creditors (bankers from Siena and Piacenza) who were inclined to demand of the new administration more than they were due; moreover, the archives of Alexander IV's Camera had been sufficiently well kept by Niccolò to thwart excessive requests.¹³⁶ These checks were common at each change of pontiff, but the great innovation under Urban IV was the keeping of a register of letters specific to the apostolic Camera.

Niccolò did not draw any great personal advantage from his role as *camerarius*. Alexander IV did confer the parish church of Sant'Angelo in Anagni on him, but this was a modest reward for such a high duty. Neither Alexander IV, Urban IV, nor their successors elevated Niccolò to the rank of Cardinal, or offered him an episcopal see, the traditional reward for former *camerarii* in the thirteenth century. Thus, either through a lack of personal ambition, or because overlooked by Urban IV, Niccolò was not a part of the extensive renewal of personnel in the Sacred College (fourteen Cardinals in two promotions in 1261 and 1262),¹³⁷ unlike Giordano Pironti da Terracina, Cardinal deacon of SS. Cosma e Damiano (1264–1268), a former clerk of Innocent IV and Alexander IV, who was rector in Campania (1252–1264), a notary (1246–1256) and subsequently vice-chancellor of the Roman church (1256–1262).¹³⁸ Niccolò was reduced until his death to the largely honorary position of simple papal chaplain.¹³⁹ The Cardinals Ottaviano degli Ubaldini¹⁴⁰ and John of Toledo, friends of Niccolò, also fell into disfavour, indeed more so as, faced with the procrastinations of the king of England, Urban IV found a new champion in Charles of Anjou, the younger brother of the king of France, Louis IX, to whom he offered the crown of Sicily in 1263.

¹³⁶ *Reg. Urban IV*, nos Cam. 46 (4 August 1262), Cam. 146 (19 September 1262).

¹³⁷ Jordan, *Les origines*, 297.

¹³⁸ G. Nüske, 'Untersuchungen über das Personal der päpstlichen Kanzlei', *Archiv für Diplomatik*, 20 (1974), 64–65, 119–120. Montaubin, 'Le gouvernement de la grâce', i, 359; C. Egger, 'Henry III's England and the curia', in *England and Europe during the Reign of Henry III (1216–1272)*, ed. B. Weiler and I. Rowlands (Aldershot, 2002) 220–223, 228–231.

¹³⁹ Our Niccolò appears to be different from the 'Nicolaus de Anagnia, scriptor penitentie domini pape', the witness in a instrument of Giacomo Romano, conversus of Casamari, on 19 November 1261 (*Reg. Urban IV*, no. Cam. 19).

¹⁴⁰ Paravicini Bagliani, *Cardinali di curia*, i, 279–289. This Cardinal was very attached to Gregory IX, as he himself wrote to the nephews of the late pope in 1252–1253, *Registri dei cardinali*, ed. Levi, 186–187 nos 30–31.

Niccolò retired to his hometown of Anagni, even though the papal court remained from then on in the north of Lazio or in Umbria and did not return to southern Lazio until the reign of Boniface VIII. The death of Urban IV on 2 October 1264 did not prompt him to return to the curia in Perugia. His successor, Clement IV, who was crowned on 15 February 1265, continued the favourable policy towards Charles of Anjou¹⁴¹ who ended up taking the kingdom of Sicily after his victories over Manfred on 26 February 1266 in Benevento, and then over Conradin on 23 August 1268 at Tagliacozzo. Charles exercised his hegemony over the papacy and Italy until his death in 1285. The long apostolic interregnum of 29 November 1268 to 1 September 1271, and then the election of the Piacentine outsider Gregory X left Niccolò outside the current curial networks. Too old and too remote, Niccolò was no longer approached to take up service with a pope. In the event, he would not live long enough to do so.

Niccolò was not however completely disgraced in retirement: he retained the esteem of popes Urban IV, Clement IV (who claimed to know him),¹⁴² and Gregory X, none of whom had been a member of Alexander IV's curia. Several small personal gratifications testify to this: apostolic protection granted to the hospital founded in Anagni in late 1261/early 1262, provision of the church of S. Pietro d'Apazano in 1264, a privilege for the pastoral care of the church of Sant'Angelo in Anagni in 1267, papal support in 1268 for the recovery of a usurped prebend in York, authorization to found a Celestine convent at Sant'Antonino, Anagni in 1272. Niccolò did not lose all of his contacts in the curia: Cardinal Ottobono Fieschi, a legate in England, conferred on him a new prebend at York in 1265/1266. This prelate was one of the main architects of the Anglo-Sicilian policy shaped by the treaty of 1255; he retained close relations with the Plantagenet court, while rallying at just the right time to Charles of Anjou when the latter was chosen by Urban IV. A legate in England until 1268, Ottobono does not appear to have maintained subsequent contacts with Niccolò. Two other Cardinals are however listed among the executors of Niccolò's will: John of Toledo (who was hostile to the Angevin solution and in disgrace from 1261) and Giangaetano Orsini (who was favourable to the Angevins in the 1260s).

¹⁴¹ Waley, *The Papal State*, 173–181.

¹⁴² ACA no. 18 (3 August 1267).

Moreover, as a sign that Niccolò's influence was still counted on to defend the interests of the Holy See, the papacy entrusted him with missions in the Roman Campania, where he was living. On 19 February 1263, Urban IV charged him with claiming back from the Cistercians at Casamari, the money and property of Pietro Francesco, who was accused of having killed his brother, so as to return it to the Holy See.¹⁴³ On 12 April 1264, Urban IV ordered him, together with the bishop of Anagni, Lando di Lodoisio, to apply Cardinal Guillaume de Bray's sentence condemning the inhabitants of the commune of Velletri in a case with the castellan of the fortress of Lariano.¹⁴⁴ The two executors however devolved this responsibility to Pietro *de Martia*, archpriest of S. Giovanni de Duce, Anagni, who carried it out on 5 June 1264, bestowing on the viscount of the castle of Lariano the fiefs usurped by the commune of Velletri.¹⁴⁵ This news cannot however have reached the pope (at Orvieto), soon enough, for on 1 August 1264,¹⁴⁶ Urban IV wrote again to the bishop of Anagni and to Niccolò imperiously reiterating the task delegated to them on 12 April. On 23 January 1266, Clement IV issued Niccolò with a mandate, if enquiry proved it to be necessary, to allow the bishop and chapter of Anagni to exchange land and vineyards for adjacent vineyards to a value of 300 lire provisini.¹⁴⁷ Niccolò does not however seem to have carried out this mandate, as the pope repeated the order to the bishop of Ferentino, Jacopo, on 18 May 1266.¹⁴⁸ Even so, it was on 15 February 1268 that Clement IV entrusted him with his most important mission since his departure from the curia: the Bonaventura banking company of Siena transferred to Niccolò up to 1000 ounces of gold so that the abbot of Montecassino could mobilize 200 knights to fight against the Saracens of Lucera then in the service of Conradin.¹⁴⁹

¹⁴³ *Reg. Urban IV*, nos Cam. 192–193.

¹⁴⁴ *Ibid.*, nos 791–792. From 1261, the inhabitants of Velletri coveted the castle of Lariano and the situation did not improve under Clement IV (Jordan, *Les origines*, 323).

¹⁴⁵ *Reg. Urban IV*, no. 2985 (from the charters of the Camera apostolica).

¹⁴⁶ *Ibid.*, no. 2993 (from the charters of the Camera apostolica).

¹⁴⁷ *Reg. Clement IV*, no. 211 (unusually, here Niccolò carries the title *magister* and canon of Paris, as well as the usual title nephew of the late pope Gregory IX and papal chaplain).

¹⁴⁸ ACA no. 1007, discussion in Mercantini, 'Nulli ergo', 71 no. 85, copy in ACA, *Liber privilegiorum*, no. 16.

¹⁴⁹ *Reg. Clement IV*, no. 1180 (this appears to be our Niccolò, described here simply as papal chaplain).

Nevertheless, the attitude of Niccolò's family towards Alexander IV's successors did not encourage the French popes to place their trust in the former *camerarius*. Generally speaking, the tendency of papal families was to rebel against subsequent popes, once their protector was dead and their own hopes of benefiting from nepotism were gone.¹⁵⁰ After the death of Alexander IV, the arrival of French popes and slimmer opportunities for curial careers for clients in Lazio combined with the affirmation of the power of Charles of Anjou from 1263,¹⁵¹ in Rome as senator (1263–1266, 1268–1278, 1281–1284) and in the kingdom of Sicily (1265–1285), bordering on the Roman Campania. Here with pure political intent, the aristocracy began to avow Ghibelline sympathies towards Manfred, the enemy of the centralizing Holy See and the ambitious Angevins. Thus, Mattia II, Niccolò's nephew and the great-nephew of Gregory IX, and Rinaldo Rosso,¹⁵² Alexander IV's nephew, just like the Ceccano and the Annibaldi, rebelled against Urban IV, who was seeking to reclaim goods which had been alienated or usurped from the Roman church,¹⁵³ as his predecessors Innocent III (Castro, Lariano, Circeo, Ninfa) or Gregory IX (Paliano, Serrone, Fumone, Ninfa) had done. Urban IV and later Clement IV also took various measures to control southern Lazio and avoid collusion between the aristocracy and Manfred.¹⁵⁴ In particular, the popes relied upon the bishops of Anagni, Giovanni Compater¹⁵⁵ (1257–1262) and Lando di Lodoisio¹⁵⁶ (1262–1275, a relative of Alexander IV), and Cardinal Gottifredo d'Alatri.¹⁵⁷ But

¹⁵⁰ G. Falco, 'I comuni della Campagna e Marittima nel Medio Evo', *ASRSP*, 47 (1924), 117–187, esp. 121.

¹⁵¹ M.-T. Caciorgna, 'L'influenza angioina in Italia: gli ufficiali nominati a Roma e nel Lazio', *Mélanges de l'École française de Rome, Moyen Âge*, 107 (1995), 173–206.

¹⁵² Rosso, who died in 1294/1295, was podestà of Anagni in 1258 (Andreotta, 'La famiglia di Alessandro IV', i, 95–96).

¹⁵³ Jordan, *Les origines*, 310; Waley, *The Papal State*, 165–173.

¹⁵⁴ Jordan, *Les origines*, 482; *Reg. Urban IV*, nos 282, 735, 758, 782, 793–794, 2844; ACA, no. 45, *Liber privilegiorum*, nos 28, 136, 137 (*Codex diplomaticus domini temporalis S. Sedis*, ed. A. Theiner (Rome, 1861), i, 166).

¹⁵⁵ Montaubin, 'Entre gloire curiale', 399, 417–418.

¹⁵⁶ *Ibid.*, 399, 422.

¹⁵⁷ From the family of the lords of Frosinone and Sgurgola, nephew of Cardinal Riccardo Annibaldi, former chaplain of Cardinal Stefano Conti (1251), papal chaplain from 1257; Urban IV made him Cardinal deacon of S. Giorgio in Velabro (1262–1287). He pursued an anti-Swabian policy in southern Lazio and remained faithful to Angevin interests until his death, F. Delle Donne, 'Goffredo di Alatri', *Dizionario biografico degli Italiani*, lvii (Rome, 2001), 531–533.

Mattia II of Anagni was one of the most turbulent nobles: with the help of Tommaso and Balduino di Supino and the inhabitants of Anagni and Ferentino, he devastated the territory of Frosinone.¹⁵⁸ On 20 May 1266, Clement IV instructed the bishop of Anagni to investigate the violent actions committed against the inhabitants of the castle of Porciano by Mattia, who exercised jurisdiction over this castle in the pope's name.¹⁵⁹

Owing to his familial and curial relations, Niccolò hardly seems to have seen eye to eye with the French popes on the new pro-Angevin policy. On 3 July 1263, Urban IV summoned Niccolò to surrender the *rocca* of Fumone, in the diocese of Anagni, which had been granted by the Holy See to *Buchinus*, a papal servant. Events in Campania, including probably the escapades of Mattia II and the complicity of several nobles with the Swabians, made this measure necessary. On 8 July 1264, *Buchinus* retook the fortress from those who held it in Niccolò's name: his cousin Lotario and the castellan, Brother Loffrido, a conversus from Fossanova.¹⁶⁰ Similarly, for reasons which were made no more explicit than necessary, on 12 January 1264 Urban IV ordered Niccolò to give up the fortress of Castro, in the diocese of Veroli, to Berardo da Trevi, a papal servant.¹⁶¹ We do not know when Niccolò acquired this castle, which was the property of the Roman church. Was it perhaps granted to him by Alexander IV? On 13 April 1264, Urban IV informed him that he had entrusted it to Cardinal Giordano Pironti da Terracina, and that Castro was therefore to be returned either to the Cardinal, or to his envoy.¹⁶² These gestures have been interpreted as an expression of Urban IV's distrust for Niccolò and his turbulent family in Campania, but E. Jordan exaggerates in identifying Niccolò as a supporter of Manfred and later of Conradin.¹⁶³ Indeed, had Urban IV lost all confidence in Niccolò, he would have received no favours from the curia and the pope would have taken back Castro at the same time as Fumone, July 1263. Retaking these castles was consonant

¹⁵⁸ On 27 November 1263, Urban IV instructed the bishop of Anagni to remove Mattia according to certain conditions of excommunication for having laid waste to the castle of Frosinone (*Reg. Urban IV*, no. 739, Cam. 508).

¹⁵⁹ ACA, *Liber* no. 137 (*Codex diplomaticus*, ed. Theiner, i, 166).

¹⁶⁰ *Le Liber censuum*, i, 567–568 no. cccviii.

¹⁶¹ *Reg. Urban IV*, no. Cam. 496.

¹⁶² *Reg. Urban IV*, nos 789–790.

¹⁶³ Jordan, *Les origines*, 483.

with Urban IV's general policy of strengthening the border with the kingdom of Sicily, in a Campania where support for the Holy See was faltering.

Preparation for Salvation

Having been dismissed from his curial activities, and keeping out of the direct struggle against the Swabians and their supporters in Campania, Niccolò concentrated on charitable works in the final years of his life. He was in an irregular situation with his ecclesiastical benefices, and now attended to the pastoral side. He realized that his church, Sant'Angelo, Anagni, a parish endowed with a small college of clerics, was lacking in priests and ministers (he himself was only a sub-deacon). As his fortune proved to be sufficient, he obtained authorization from Clement IV on 3 August 1267 to have two priests and a deacon for this church, as canons with the expectation of a prebend with residential obligations.¹⁶⁴

Niccolò reveals a demanding spirituality, attentive both to poverty and to retreat from the world, in line with that of his uncle Gregory IX. Between 22 September 1261 and 22 June 1262, Urban IV agreed to the project which Niccolò had long ago conceived: on his land in Anagni or the surrounding area, he was to create a hospital for the poor and the sick with an oratory, endowed with his own property. The bishop of Anagni, Giovanni Compater, was entrusted with solemnly blessing the first stone and making sure, in conjunction with the bishop elect of Alatri, Crescenzo, that no religious community was built within a radius of 300 feet.¹⁶⁵ As a result, shortly afterwards, Niccolò donated to the hospital of S. Spirito in Sassia, Rome a piece of land which belonged to him close to the Porta Rio of Anagni, in the north of the Colle Sant'Angelo district.¹⁶⁶ The master and brothers of the hospital, intending to build a chapel for their own use, obtained a mandate from Urban IV on 24 February 1264 ordering the bishop of Anagni, now Lando di Lodoisio, to bless the

¹⁶⁴ ACA no. 18 (analysis in Mercantini, 'Nulli ergo', 74–75 no. 90).

¹⁶⁵ Ibid., no. 12 (analysis in Mercantini, 'Nulli ergo', 63, no. 73 and *Reg. Urban IV*, no. 2923 from ACA).

¹⁶⁶ Marchetti Longhi, 'Anagni di Bonifacio VIII', 180, 194.

building's first stone.¹⁶⁷ The *Liber annualium* of the great Roman hospital indeed shows Niccolò to be the founder of the hospital of *S. Trinitatis de Anania*.¹⁶⁸ The hospital was also known as *S. Spirito*, and its chapel dedicated to *S. Restituta*.¹⁶⁹ It is hardly unusual that a cleric should create a charitable institution in the thirteenth century. This foundation however particularly stands out given the papal context. By providing Anagni with a hospital affiliated to *S. Spirito* in Sassia, Niccolò was following a double charitable tradition: that of Innocent III, founder of the hospital of *S. Spirito* in Sassia in Rome 1202–1204,¹⁷⁰ and of the future Gregory IX, founder of the hospital of Sant'Ascenzo, Anagni in 1208¹⁷¹ (the same year that Innocent

¹⁶⁷ *Reg. Urban IV*, no. 2460.

¹⁶⁸ *Necrologi e libri affini*, ed. Egidi, 112.

¹⁶⁹ Indulgences granted 12 December 1290 by Nicholas IV (*Reg. Nicholas IV*, no. 3811; see also no. 574; Zappasodi, *Anagni*, i, 351).

¹⁷⁰ Innocent III demonstrates the link between theoretical concern and the episcopal duty of charity towards those who needed it: treatises on charity (*Libellus de elemosyna*, *Encomium charitatis*), care of those in captivity and of abandoned children. In his entourage, Cardinal Jacques de Vitry proved to be concerned with the smooth running of hospitals. B.M. Bolton, 'Hearts not purses: Innocent III's attitude to social welfare', in *Through the Eye of a Needle: Judeo-Christian Roots of Social Welfare*, ed. E.A. Hanawalt and C. Lindberg (Kirksville, MO., 1994), 123–145 and Eadem, '“Received in his name”: Rome's busy baby box', in *The Church and Childhood*, ed. D. Wood, *SCH*, 31 (Oxford, 1994), 153–167; G. Drossbach, 'Papa Innocenzo III nell'autocomprensione storica dell'ordine ospitaliero di *S. Spirito* in Sassia', in *Innocenzo III. Urbs et Orbis*, ii, 1327–1345; *L'antico ospedale di Santo Spirito. Dall'istituzione papale alla sanità del terzo millennio*, in *Il Veltro. Rivista della civiltà italiana*, 45 (2001), esp. the contributions by G. Drossbach, '“Caritas christiana”: Innocenzo III fondatore dell'ospedale e dell'ordine di Santo Spirito', 85–94 and A. Rehberg, 'L'ospedale di Santo Spirito nell'età avignonese', 95–104.

¹⁷¹ In 1208, the bishop and the chapter of Anagni granted him the church of Sant'Ascenzo in order that he might found, with his own money, a hospital there dedicated to *S. Maria* and *Sant'Antonio*. The hospital, which was destroyed in the sixteenth century when the city ramparts were being modernised, was located at the south-west gate, close to the modern *Porta Garibaldi*, in the same quarter as Gregory IX's family, *Colle Sant'Angelo* (Marchetti Longhi, 'Anagni di Bonifacio VIII', 181, 194–195). It was maintained by the *Crociferi*, then entrusted to the *Knights of Altopascio* in 1216, with the permission of *Honorius III* and the confirmation of Gregory IX in 1231 and 1234 (*Reg. Honorius III*, nos 68, 73; *Reg. Gregory IX*, nos 1839, 1840; R. Ambrosi De Magistris, 'Il viaggio d'Innocenzo III nel Lazio e il primo ospedale in Anagni', *Studi e testi*, 19 (1898), 365–378; Zappasodi, *Anagni*, 230; S. Andreucci, 'San Giacomo di Altipascio (Lucca)', in *Dizionario degli Istituti di Perfezione*, viii (Rome, 1988), cols 462–465; A. Cenci, *L'Ospitalità in Altopascio. Storia e funzioni di un grande centro ospitaliero* (Altopascio, 1997). The 'Vita Gregorii IX', mentions this foundation (*Le Liber Censuum* 19 c. 3: 'in porta civitatis Anagni ad usum pauperum hospitalis'), and also mentions a charitable foundation in the Lateran (22 c. 11: 'in Lateranensi palatio domos construxit altissimas et palatium nobile pauperum usibus deputatum').

III created a liturgical station for the Veronica in the hospital of S. Spirito in Rome).¹⁷² Niccolò preferred his foundation to be connected not to the order of S. Giacomo d'Altopascio near Lucca chosen by his uncle, but to the Roman hospital, which had been the head of an order since 1208, and governed by a rule which dated back to Gregory IX (rather than Innocent III). This was to distinguish it clearly from the Sant'Ascenzo hospital in Anagni,¹⁷³ but was also because the Roman hospital, which was favoured by the popes, was extremely dynamic, and had built up numerous possessions and dependencies.¹⁷⁴

Niccolò's other great foundation was the Celestine convent at Anagni.¹⁷⁵ At his request, on 10 October 1272¹⁷⁶ Gregory X ordered the Dominican prior and the Franciscan guardian in Anagni to carry out an enquiry. Niccolò, as rector of the church of Sant'Antonino (without cure of souls) wanted to introduce Benedictine Hermits from S. Spirito di Maiella (founded by Pietro da Morrone, the future Celestine V). He declared himself ready to resign the church, the collation of which fell to the bishop of Anagni. In return, he offered to allocate permanently to the bishop and canons of Anagni, goods from the church of Sant'Antonino deemed useless to the hermits, in addition to the castle (*arce*) which he himself had had built at his own cost on the lands of this church (for which reason it took the name Rocca Sant'Antonino in the fourteenth century). The pope issued a mandate to receive Niccolò's resignation and to carry out the petition if the bishop and chapter were in agreement. Niccolò probably no longer had sufficient wealth to endow a monastic foundation *ex nihilo*, but his family must have owned property in the area,

¹⁷² C. Egger, 'Papst Innocenz III. und die Veronica. Geschichte, Theologie, Liturgie und Seelsorge', in *The Holy Face and the Paradox of Representation*, ed. H.L. Kessler and G. Wolf (Bologna, 1998), 181–203.

¹⁷³ In 1280, there was also a third hospital in Anagni, located outside the walls in the south-east of the town, and belonging jointly to the parishes of S. Leone and S. Giorgio (Marchetti Longhi, 'Anagni di Bonifacio VIII', 202–203).

¹⁷⁴ P. De Angelis, *L'ospedale di Santo Spirito in Saxia*, 2 vols (Rome, 1960–1962). Note that the church of S. Pietro d'Apazano (in the diocese of Marsi) appears in 1295 in the list of properties of the Roman hospital (Ibid., i, 41). Given that this church had been granted to Niccolò in 1264, it is possible that he had obtained permission to leave it to the hospital of S. Spirito.

¹⁷⁵ G. Giammaria, 'Tre monasteri celestini in Anagni, Sgurgola e Supino', *Latium*, 1 (1984), 53–60.

¹⁷⁶ ACA, *Liber privilegiorum*, no. 12. This document does not imply that the community of Celestines was established before 1272.

for the future Gregory IX had endowed the hospital of Sant'Ascenzo in 1208.¹⁷⁷ The foundation of the convent was quickly achieved, as it appears in the first privilege confirming the goods of the Celestines by Gregory X, on 24 March 1275. One of the very few located outside the kingdom of Sicily, it is documented again in the papal privileges of Celestine V (1294) and Benedict XI (1304). The foundation was more or less contemporary with that of the Celestine convents near S. Leonardo de Sgurgola, in the diocese of Anagni, and Sant'Antonio Abate in Ferentino.¹⁷⁸ These young institutions were however to prove fragile in the fourteenth century. The war between the Caetani and the Colonna hastened the collapse of the religious life, probably from 1321 onwards. By this date the *rocca* and the monastery of Sant'Antonino were in the possession of the commune of Anagni, before being illegally occupied by the Caetani in 1339, when pope Benedict XII ordered that they be returned to the canons of Anagni. Finally, in 1471 Niccolò's foundation was united by pope Sixtus IV with the Celestine monastery at Ferentino, as was the former convent of Sgurgola, while Gregory IX's Cistercian foundation, S. Maria della Gloria, had become a dependency of S. Giovanni in Laterano.

This creation of a Celestine monastery in Anagni suggests links between Niccolò and the pious hermit Pietro da Morrone, who was of the same generation (born around 1209/1210).¹⁷⁹ It raises the question of whether they had met in the papal court (from 1233–1234 in Rome ?), or more recently in Campania or in the Abruzzo. The chronology of their lives is too uncertain to be sure, but Niccolò di Fossa, the former chaplain of the Cistercian Cardinal John of Toledo, may have acted as an intermediary. Indeed, after Niccolò di Fossa became bishop of Chieti on 27 June 1262 (until his death in 1278/1280), his church of S. Pietro d'Apazano was given to Niccolò by Urban IV on 12 April 1264. On 1 June 1263, this same bishop had been entrusted by Urban IV with an essential mission in the forming of the Celestinian order: incorporating Pietro da Morrone's hermit disciples into the Benedictine order. He carried this out on

¹⁷⁷ *Reg. Gregory IX*, no. 1839.

¹⁷⁸ G. Giammaria, 'Tre monasteri', 61–63; *Monasticon Italiae*, i, 141 no. 102.

¹⁷⁹ P. Herde, *Papst Coelestin V.* (Stuttgart, 1981); Idem, 'Celestino V', *Enciclopedia dei papi*, ii, 460–472; A. Moscati, 'I monasteri di Pietro Celestino', *Bullettino dell'Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano*, 68 (1956), 91–163.

21 June 1264. On 22 March 1275, Gregory X confirmed the institutionalization of the congregation which was strongly ascetic, but did not adopt the extreme approach of the Spiritual Franciscans to absolute poverty. It appears that it was only in the 1270s that certain Celestines, in contact with Spirituels, developed Joachimist expectations of the era of the Holy Spirit, which was to lead to them recognizing in Celestine V the angelical pope (he, by a strange coincidence, ended his life in 1296 in the *rocca* of Fumone, held a third of a century earlier by Niccolò di Anagni).

Niccolò was still alive on 10 October 1272,¹⁸⁰ but died before 7 September 1273. His anniversaries were celebrated on 27 and 29 December at the basilica of St Peter's, Rome (with a grant of sixty lire), and on 4 January at the hospital of S. Spirito in Sassia.¹⁸¹ It is therefore likely that he died around the end of December 1272 or early January 1273, aged over sixty-six. Six notarised deeds on four parchments,¹⁸² drafted by *magister* Niccolò, *scrinarius* of the Holy Roman Church, on 7, 8 and 11 September 1273, concern the execution of his final wishes and also give a partial indication of the lost will.¹⁸³ As a bastard, Niccolò was able to dispose of his fortune by means of a will, but these deeds only concern his ecclesiastical income. A large part of his other goods would already have been allocated to the hospital endowment and to the Celestine convent in Anagni, while the property and land which had been given to him by his uncle Gregory IX was to return to the monastery of S. Maria della Gloria according to the arrangements made in 1227.

There were five executors of the will: brother Mauro, a Guillelmit hermit and prior of the convent of S. Matteo of Anagni;¹⁸⁴ John of Toledo, Cardinal deacon of S. Lorenzo in Lucina (1244–1261) and subsequently Cardinal bishop of Porto (1261–1275),¹⁸⁵ who delegated

¹⁸⁰ ACA, *Liber privilegiorum*, no. 12.

¹⁸¹ *Necrologi e libri affini*, ed. Egidi, 112, 280, 291.

¹⁸² ACA, nos 284, 368, 825, 934. Their poor condition makes it difficult to read them fully.

¹⁸³ Toubert, *Les structures du Latium*, ad indicem (testament); A. Paravicini Bagliani, *I testamenti dei cardinali del Duecento* (Rome, 1980). Niccolò does not seem to have left a legacy to the cathedral of Anagni (Montaubin, 'Entre gloire curiale', 334–339).

¹⁸⁴ This monastery, located close to the present Porta S. Francesco, is recorded from 1234; Boniface VIII allocated its buildings to the Franciscans in 1300, in exchange for the former Franciscan convent for the Guillelmites (Zappasodi, *Anagni*, p. 320; *Monasticon Italiae*, 122, no. 27).

¹⁸⁵ Paravicini Bagliani, *Cardinali di curia*, i, 228–241: of English origin, a Cistercian

the execution by letter to *magister* Silvestro, canon of Anagni (1254 to 1278);¹⁸⁶ Giangaetano Orsini, Cardinal deacon of S. Nicola in Carcere Tulliano (1244–1277) and future pope as Nicholas III (1277–1280);¹⁸⁷ the bishop of Anagni, Lando di Lodoisio,¹⁸⁸ nephew of Alexander IV, a canon of Anagni from 1229, who had been elected bishop by his chapter in 1262, and died in 1275, certainly a very old acquaintance of Niccolò's; and finally, the prior of the Dominicans of S. Giacomo, Anagni.¹⁸⁹ Only brother Mauro, in the name of the other executors, appears to have acted in this matter. On one hand he dealt with the recovery of Niccolò's ecclesiastical income from the far-flung churches in France and England, and on the other, he carried out the distribution of pious bequests to various religious institutions in Rome. On 7 September 1273,¹⁹⁰ he entrusted the Roman banker Benedetto *Massarolus/Maxarolus* (as well

and founder of several monasteries and Protector of an order valued by Gregory IX. Already hostile to Frederick II under Gregory, he was one of the closest collaborators of Alexander IV, to whom he recommended an alliance with the Plantagenets to resolve the Sicilian question. He participated in the commission which met in Anagni in 1254–1255 and which condemned the Joachimite theses of the *Liber introductorius ad Evangelium aeternum* by the Franciscan Gerardo di Borgo San Donnino. Like Niccolò, John was kept on the sidelines by Urban IV, who nevertheless promoted him Cardinal bishop of Porto. It should be remembered that Niccolò di Fossa, who most likely put our Niccolò into contact with the Celestines, had been the chaplain of Cardinal John of Toledo before acceding to the episcopal throne of Chieti in 1262.

¹⁸⁶ Montaubin, 'Entre gloire curiale', 435.

¹⁸⁷ F. Allegrezza, 'Niccolò III', *Enciclopedia dei papi*, ii, 437–446; A. Demski, *Papst Nikolaus III.* (Münster, 1903); Paravicini Bagliani, *Cardinali di curia*, i, 314–323. No explicit links are known between Niccolò and Giangaetano before the execution of this will, but they must have associated daily in the Roman curia under Alexander IV, who entrusted Cardinal Orsini with his first important missions after his entry to the College in 1244. In particular, they shared an affection for the Franciscans. In 1255–1256, Cardinal Orsini participated in the commission which condemned the treaty of William of Saint-Amour, *Tractatus de periculis novissimorum temporum*, hostile to the mendicants, and he presided over the trial against Giovanni da Parma, the general officer of the Franciscans, who was accused of supporting Joachimite theses. In 1262 he succeeded Alexander IV as Protector of the Franciscans and also became Protector of the Poor Clares from 1263. A supporter of Charles of Anjou, he was held in high esteem by Urban IV and Clement IV, at a time when Niccolò had left the curia, but his brother Napoleone Orsini was podestà of Anagni in 1266.

¹⁸⁸ Montaubin, 'Entre gloire curiale', 399, 422.

¹⁸⁹ The Dominicans arrived shortly after 1234 in the church of S. Giacomo, Anagni, situated outside Porta Cecere, to the north-west of the town (Zappasodi, *Anagni*, i, 302).

¹⁹⁰ ACA no. 284.

as his son Matteucio and their proctor Mattia) with the collection within two years, of various revenues belonging to the late Niccolò: the income of 160 silver marks from his prebend in York, a quarter of the income of the church of *Disselet*, the annexe of his prebend in York, 200 marks owed by *Johannes de Oullet*, 150 marks owed by the lay nobleman *Ugo dictus Dense*, 560 marks owed by the priory of Lenton. The document also mentions various privileges and letters from Alexander IV and Gregory X to guarantee Niccolò these ecclesiastical revenues, designed to enable the executors of his will and their representatives to recover this money. Letters were written to the archbishops, bishops and chapters of Sens, Paris and York, where Niccolò had held a prebend. Others were sent to people from whom assistance was probably expected in collecting the money, such as the bishop of Bayeux, Eudes de Lorris (1263–1274),¹⁹¹ and/or those who were probably friends of the deceased: brother Pelagius and *magister* Abbaiaimonte di Subiaco, papal *scriptor* (1255–1284) and a relative of Alexander IV.¹⁹² In Rome on 11 September, the same Benedetto *Maxarolus* promised to return Niccolò's money to the executors of his will.¹⁹³ On 8 and 12 September 1273, four notarised quit-tances on two parchments¹⁹⁴ record the distributions carried out by brother Mauro according to the arrangements in the will, in aid of institutions all located in Rome: 100 soldi to Leogario, abbot of the monastery of S. Sebastiano in *Catacumba*,¹⁹⁵ thirty lire to brother Rinaldo, procurator of the hermits in Rome,¹⁹⁶ 100 soldi to brother Bonamico, procurator of the monastery of Guillelmithe hermits of S. Salvatore,¹⁹⁷

¹⁹¹ *Gallia Christiana*, xi (Paris, 1759), cols 368–369. As clerk to Charles of Anjou and subsequently Louis IX, Eudes had been appointed bishop of Bayeux by Urban IV after a long electoral dispute with Adinolfo di Anagni, another nephew of Gregory IX (*Reg. Urban IV*, no. 226).

¹⁹² Nüske, 'Untersuchungen über das Personal', 154–155; Montaubin, 'Le gouvernement de la grâce', ii, 121.

¹⁹³ ACA no. 825.

¹⁹⁴ ACA no. 368 (3 documents) and no. 934.

¹⁹⁵ ACA no. 934. This monastery, built on the Via Appia on Christian catacombs, was the destination of an important pilgrimage. It was granted to the Cistercians in 1167, and then to the Regular canons of the Lateran in the mid-thirteenth century (T. di Carpegna Falconieri, *Il clero di Roma nel Medioevo. Istituzioni e politica cittadina (secoli VIII–XIII)* (Rome, 2002), 190 note 278; *Monasticon Italiae*, i, 77 no. 154).

¹⁹⁶ ACA no. 368 (2).

¹⁹⁷ ACA no. 368 (2). This is probably the monastery of S. Salvatore e S. Balbina, on the Aventine, allocated to the Guillelmithe Benedictines from 1268 until the

and, according to a collective quittance:¹⁹⁸ sixty lire to the basilica of St Peter's,¹⁹⁹ thirty lire to the *Romana Fraternitas*,²⁰⁰ 100 soldi to the basilica of S. Giovanni in Laterano,²⁰¹ thirteen lire to the basilica of S. Maria Maggiore,²⁰² 100 soldi to the Franciscan church of S. Maria in Capitolio,²⁰³ 100 soldi to the church of the Friars Minor of S. Francesco,²⁰⁴ 100 soldi to the church of the Augustinian Hermits of S. Maria del Popolo,²⁰⁵ twenty soldi to the abandoned children of S. Spirito in Sassia,²⁰⁶ 100 soldi to the Benedictine nuns of S. Agnese

fifteenth century. *Monasticon Italiae*, i, 43 no. 34; C. Hülsen, *Le chiese di Roma nel Medioevo* (Florence, 1927), 203–204.

¹⁹⁸ ACA no. 368 (1).

¹⁹⁹ This was a major basilica equipped with a pontifical palace restructured by Innocent III and a chapter of which Niccolò was a member (there is still no prosopographic guide for the period before 1277, R. Montel, 'Les chanoines de la basilique Saint-Pierre de Rome des statuts capitulaires de 1277–1279 à la fin de la Papauté d'Avignon. i', *Rivista di Storia della Chiese in Italia*, 42 (1988), 365–450. The bequest of 60 lire is mentioned as a grant from the foundation of Niccolò's anniversary (*Necrologi e libri affini*, ed. Egidi, 280, 291).

²⁰⁰ di Carpegna Falconieri, *Il clero di Roma*, 241–268. On this corporation see the paper by Susan Twyman in this volume. Niccolò, as *camerarius*, cannot have failed to have contact with it, as, from the twelfth century, it controlled and redistributed revenues (such as the *presbyterium*) paid by the pope through the apostolic Camera, to the clergy of Rome. Donations to the *Romana fraternitas* in the wills of curialists seem to have been rare in the thirteenth century (of the Cardinals, only Guala Bicchieri in 1227 is known to have intended a bequest to the *Romana fraternitas*; Paravicini Bagliani, *I testamenti dei cardinali*, 110–120).

²⁰¹ The papal cathedral, with a chapter of regular canons until 1299, adjoined the pontifical palace where Niccolò as *camerarius* had had work undertaken. Bibliography in A. Rehberg, *Die Kanoniker von S. Giovanni in Laterano und S. Maria Maggiore im 14. Jahrhundert* (Tübingen, 1999).

²⁰² Furnished with a chapter of secular canons in the thirteenth century; bibliography in Rehberg, *Die Kanoniker*. No bequest is known of from Niccolò to S. Paolo fuori le mura and S. Lorenzo fuori le mura, but his will has been lost.

²⁰³ This former monastery located on the Capitoline (the current church of S. Maria in Aracoeli) was given to the Franciscans by Innocent IV in 1250. It was acquired in 1252 through Cardinals Rinaldo da Jenne and Stefano Conti, and the church of the convent also became a parish (G. Barone, 'I francescani a Roma', *Storia della città*, 9 (1978), 33–35; *Monasticon Italiae*, i, 63–64 no. 112).

²⁰⁴ This church was built in Trastevere by Gregory IX in 1229, a year after the canonisation of St. Francis of Assisi. M. Armellini and C. Cecchelli, *Le chiese di Roma dal secolo IV al XIX* (2nd edn, Rome, 1942), ii, 820–821, 1294.

²⁰⁵ This chapel was rebuilt and turned into a shrine by Gregory IX, who, in 1231, brought to it the icon of the Virgin painted by St Luke, which had previously been kept in the Sancta Sanctorum. Some Franciscans established themselves there until 1250, when Innocent IV transferred them to S. Maria de Capitolio and granted S. Maria del Popolo to the Augustinian hermits; Hülsen, *Le chiese di Roma*, 358 no. 75; L. Oliger, 'De fratribus minoribus apud S. Mariae Populi Romae a. 1250 habitantibus', *Archivum Franciscanum Historicum*, 18 (1925), 293–295.

²⁰⁶ See Bolton, 'Hearts not purses?' and Bolton, "Received in his name".

fuori le mura,²⁰⁷ 100 soldi to the monastery of the Poor Clares of SS. Cosma e Damiano in Mica Aurea²⁰⁸ and 100 soldi to the Dominican monastery of S. Sisto.²⁰⁹

Although the execution of the will is only partially detailed here,²¹⁰ these donations demonstrate Niccolò's spiritual attachment to the cult of early martyrs and to pilgrimages, since he benefitted the major basilicas (St Peter's, the Lateran, S. Maria Maggiore), monasteries built on catacombs (S. Sebastiano, S. Agnese), other sanctuaries which housed noteworthy relics (S. Maria del Popolo), and also the *Romana Fraternitas* which organised processions through Rome. His interest in the poor, shown by the foundation of a hospital in Anagni, is not contradicted by his will, with its bequest to the abandoned children of S. Spirito in Sassia. In particular, Niccolò continued to support the recent religious movements which favoured the ideal of poverty, whether lived in the world, or in rigorous seclusion, in a community or as a hermit: Franciscans, Poor Clares, Dominicans, Augustinian Hermits, recluses, Guillelmites. To this list we can add the Celestines of the very recent convent in Anagni. Niccolò's friendships in Anagni and in the papal court confirm this spiritual predilection: we have seen him in relation to the protectors of the Franciscans,²¹¹ and the

²⁰⁷ The community was reformed in 1232 by request of Gregory IX (*Reg. Gregory IX*, no. 932). The monastery, which was built along the Via Nomentana on Christian catacombs, was the site of an early pilgrimage (*Monasticon Italiae*, i, 39 no. 20).

²⁰⁸ Gregory IX assigned this monastery, at the foot of the Janiculum to the Camaldolese c. 1230, and took it back in 1233 for disciplinary reasons. He gave it to the Damianites in 1234 (*Monasticon Italiae*, i, 50–51 no. 62). J. Barclay Lloyd and K. Bull-Simonsen, *SS. Cosma e Damiano in Mica Aurea. Architettura, storia e storiografia di un monastero soppresso* (Rome, 1998).

²⁰⁹ Innocent III began to reconstruct the monastery of S. Sisto along the Via Appia, close to the Baths of Caracalla, with the intention of gathering all of the nuns of Rome there, see J. Barclay Lloyd, 'The architectural planning of pope Innocent III's nunnery of S. Sisto in Rome', in *Innocenzo III. Urbs et Orbis*, ii, 1292–1311; B.M. Bolton, 'Daughters of Rome: all one in Christ Jesus!', in *Women in the Church*, ed. W.J. Sheils and D. Wood, *SCH*, 27 (Oxford, 1990), 101–115. Honorius III, in contact with St Dominic, established Dominicans there in 1221. Gregory IX and Alexander IV protected this convent, but donations to it were rare in the thirteenth century; C. Carbonetti Venditelli, *Le più antiche carte del convento di San Sisto in Roma (905–1300)* (Rome, 1987); R. Spiazza, *La chiesa e il monastero di San Sisto al Appia* (Bologna, 1992).

²¹⁰ It is unlikely that Niccolò left no donation to Anagni institutions, such as the Franciscans, Dominicans and Poor Clares (the latter founded 1256 with the protection of Alexander IV, see M. Boehm, *Wandmalerei des 13. Jahrhunderts im Klarissenkloster S. Pietro in Vineis zu Anagni. Bilder für die Andacht* (Münster, 1999), 27–34, 191) and his father and uncle's foundation of S. Maria della Gloria.

²¹¹ W.R. Thomson, 'The earliest Cardinal protectors of the Franciscan order',

future Poor Clares,²¹² Gregory IX,²¹³ Alexander IV,²¹⁴ Cardinal Gian-gaetano Orsini; with the friends of the Cistercians, Gregory IX²¹⁵ and the Cistercian Cardinal John of Toledo, with the reformers of the Guillelmites Gregory IX and Alexander IV²¹⁶ and the Guillelmite prior of Anagni, with the Dominican prior of Anagni and with many others.

What Sort of Nepotism?

This attraction for the renunciation of worldly goods leads us to consider, through the example of Niccolò di Anagni, the place of nepotism in the policies of Gregory IX and Alexander IV.²¹⁷ From the

Studies in medieval and Renaissance History, 9 (1972), 17–80; L. Pellegrini, *Alessandro IV e i francescani (1254–1261)* (Rome, 1966).

²¹² M.P. Alberzoni, 'Papato e nuovi ordini religiosi femminili', in *Il papato duecentesco e gli ordini mendicanti*, 205–261; Idem, *Chiara e il papato* (Milan, 1995); *Chiara e la diffusione delle clarisse nel secolo XIII* (Manduria, 14–15 dic. 1994), ed. G. Andenna and B. Vetere (Galatina, 1998).

²¹³ W. Maleczek, 'Franziskus, Innocenz III., Honorius III. und die Anfänge des Minoritenordens. Ein neuer Versuch zu einem alten Problem', in *Il papato duecentesco e gli ordini mendicanti*, 23–80. With his brother Adinolfo, Gregory supported the establishment of the Franciscans in Anagni (D. Federici, 'I Francescani visti in Anagni in una donazione del 1219', (Rome, 1966); Zappasodi, *Anagni*, 249–304). The 'Vita Gregorii IX' stresses his love for the poor and the Mendicant orders (*Le Liber Censuum*, 18–22, 24 cc. 2, 3, 5, 9, 11, 16, 17).

²¹⁴ Rinaldo, a member of the household of the future Gregory IX from 1219, had followed the institutionalisation of the followers of Sts Francis and Clare. As a Cardinal, he became the protector of the Franciscans in 1227 and of the sisters of S. Damiano in 1228 (to whom he gave a rule in 1252). As pope, he retained the role of protector and canonised Clare in 1255.

²¹⁵ Gregory IX was strongly influenced by Cistercian spirituality, in particular through his relations with brother Raniero da Ponza, Innocent III's confessor, d. 1207/1209, see M.-P. Alberzoni, 'Raniero da Ponza e la curia romana', *Florentia*, 11 (1997), 82–114; B.M. Bolton, 'For the See of Simon Peter: the Cistercians at Innocent III's nearest frontier', in *Monastic Studies I, The Continuity of Tradition*, ed. J. Loades (Bangor, 1990), 1–20). He founded two Cistercian monasteries under the order of Joachim of Fiore: S. Maria e Arcangelo Michele del Monte Mirteto near Ninfa in the diocese of Velletri around 1206/12 (*Monasticon Italiae*, i, 136 no. 87) and S. Maria della Gloria near Anagni in 1226/1231. See also the article by Maria Pia Alberzoni in this volume.

²¹⁶ Gregory IX imposed the rule of St Benedict on them by 1237, and Alexander IV confirmed their autonomy on 22 and 28 August 1256 as an order of hermits compared with the hermits of St Augustine gathered together by Cardinal Riccardo Annibaldi. Their spirituality was close to that of the Cistercians (*Dictionnaire de Spiritualité*, vi (Paris, 1967), cols 1267–1275, P. Bailly).

²¹⁷ Carocci, *Il nepotismo*, 117–118, 123.

end of the twelfth century, Celestine III with the Orsini, and even more Innocent III with the Conti and the Annibaldi, demonstrated great nepotistic policies, which were indications of the Christian affection due to one's close relatives, and instruments of government supplementing the state organization of the papacy. In order to dominate a papal state which was still poorly controlled, a large family circle provided them with the requisite men of action, clerics and laymen in a dynamic of interdependence: Cardinals, curial officers, provincial rectors, senators, generals, and so on. On the other hand, their relatives enjoyed part of the considerable property and revenues of the Roman Church: ecclesiastical benefices, castles and enfeoffed land, church rights and incomes, influence over third parties to obtain advantages, and so forth. This political technique was taken up and developed by Innocent IV Fieschi, and later by Nicholas III Orsini, Honorius IV Savelli, Nicholas IV for the Colonna, and Boniface VIII Caetani. For various reasons, Honorius III, Gregory IX, Alexander IV, as well as the French popes from Urban IV to Martin IV, did not employ such substantial nepotistic strategies, although they did grant favours to their relatives and developed their clientele like all prelates of the time.

In the cases of Gregory IX and Alexander IV, we must suppose that they lacked either the desire, or family opportunities, since they were not short of time, as their period as Cardinals together with their pontificates totalled respectively forty-three and thirty-four years. Of course, they encouraged their nephews into education, allocated them ecclesiastical benefices, employed them as curial officers, such as Niccolò, as *camerarius*, but without long-term prospects. Unlike the great families of Rome, they showed no desire to anchor their families to the location of power which was the curia and its central organism, the College of Cardinals. Gregory IX, himself a product of Innocent III's nepotism, relied upon numerous office-holders from southern Lazio,²¹⁸ but this only reinforced their already long-standing presence in the curia. The natural bases of his family were however too narrow to develop a wide nepotistic policy, had he so wished. He made not a single relative a Cardinal, unless perhaps Rinaldo of Jenne. His nephews, the clerics Niccolò and Adinolfo had benefices

²¹⁸ For examples, see Montaubin, 'Entre gloire curiale', 376–377, Maleczek, *Papst und Kardinalskolleg*, 127 note 14.

lavished upon them, but they were still too young and inexperienced to receive important responsibilities before his death in 1241. Similarly, the death of his brother Adinolfo in 1226 and the youth of his great-nephew Mattia II deprived Gregory IX of the powerful secular support needed to extend beyond the region of Anagni where his family seems to have held substantial lands since the generation preceding the end of the twelfth century. Moreover, far from shamelessly enriching his family, Gregory IX carried out large transfers of property inherited from his father or acquired by him: this was given to his hospital, Sant'Ascenzo, Anagni, and the monasteries of S. Maria della Gloria and Monte Mirteto. Furthermore, he did not consider dependence on other families to be useful, as Nicholas IV did with the Colonna,²¹⁹ nor did he hesitate to attack his own relatives, such as the guardians of the *rocca* of Fumone, in order to restore the heritage of the Roman church.

Alexander IV could have used his substantial family to develop a far-reaching nepotistic policy. He showed no such desire, and his entourage did not demonstrate any such ambition. The contemporary chronicler Salimbene de Adam praised him for not having made one of his nieces, who was a nun, an abbess, and one of his Franciscan nephews a Cardinal,²²⁰ in short, for having thus respected the ideal of poverty and humility of the Mendicant orders and not having followed the worldly example of other popes. Besides, he did not nominate Cardinals: rather his favours were plentiful at less elevated ranks: two cousins rose to the rank of prelate during his pontificate,²²¹ and several nephews and cousins were given numerous rich prebends in France and England.²²² Alexander IV employed members of his family and natives of Campania like Niccolò, but he did not assure them any continuation at the papal court beyond his death. His nepotism aimed above all to facilitate his government of the Church rather than to implant his family in Rome or to promote it in central

²¹⁹ Carocci, *Il nepotismo*, 127–128.

²²⁰ Salimbene de Adam, *Chronaca*, ed. G. Scalia (Turnhout, 1999), ii, 685 (CCCM, CXXV^A).

²²¹ Giacomo di Castiglione, archbishop of Reggio di Calabria (1259–1277) and Leonardo Conti, archbishop of Palermo (1261–1268/1270); Kamp, *Kirche und Monarchie*, 1/ii, 933–936, 1/iii, 1142–1144.

²²² Montaubin, 'Le gouvernement de la grâce', i, 369–371. For examples of canons of Anagni see Montaubin, 'Entre gloire curiale', 377–378, 387–389.

Italy.²²³ He favoured his Annibaldi allies, who were already powerful Roman barons, but they remained very independent from the lords of Jenne. Favours towards his secular relations, all things considered, were not extensive. On 9 March 1257, he confirmed the concession as a fief of the castle of Jenne by the monastery of Subiaco in favour of his father Filippo at the time of Cardinal Ugolino. He guaranteed possession of this castle for his nephew, Rinaldo Rosso (who died in 1294), and Rosso's sons.²²⁴ On 21 September 1257, he enfeoffed the property of the Roman Church at Trevi, Fillettino and Vallepietra to the same Rinaldo, but these enfeoffments were above all in the family's region,²²⁵ which lay out in the north of the diocese of Anagni and of secondary strategic interest as regards the via Casilina.

All that Gregory IX and Alexander IV did in fact was to strengthen the already powerful position of their families in their region, unlike the Caetani before 1276. But, rooted too firmly in the northern part of the diocese of Anagni, and not unchallenged there, they remained inferior in power and wealth to the Conti, Annibaldi, Capocci, Orsini and Colonna families and soon the Caetani of Anagni who extended in Campania and succeeded in establishing themselves in Rome, where the barons were growing stronger.²²⁶ The relative weakness of Gregory IX's and Alexander IV's families can be seen from the 1260s: the departures from the curia of Niccolò after 1261 and his cousin Adinolfo after 1268 marked the end of their influence over the ruling pontiff and reduced the likelihood of the promotion of clerics of the subsequent generations. The vigorous policy of Urban IV and Clement IV, retaking control of the castles of the Roman Church in Campania, weakened the lay heirs,²²⁷ who opted to oppose the

²²³ The exaggerated judgement of E. Jordan should be qualified, *Les origines*, 235: 'avec Alexandre IV, au népotisme qui fortifie et étaye le trône succède celui qui l'exploite et l'affaiblit'. [with Alexander IV, nepotism which fortifies and supports the throne is succeeded by one which exploits and weakens it].

²²⁴ Tenckhoff, *Papst Alexander IV*, 315–316.

²²⁵ In 1259, Alexander IV also allocated the revenues of the Roman Church at Terni to Rinaldo (Jordan, *Les origines*, p. 248 note 6).

²²⁶ G. Falco, 'Sulla formazione e la costituzione della signoria dei Caetani (1283–1303)', *Rivista storica italiana*, 42 (1925), 225–278; Cortonesi, *Terre e signori*, § 6: 'Dai condomini Castri Silvemollis alla signoria dei Caetani: un castello della provincia di Campagna e il suo territorio alle fine del XIII secolo', 237–253; Carocci, *Baroni di Roma*, 327–332; Carocci, *Il nepotismo*, 129–135.

²²⁷ On Mattia, see above text at notes 28–30. Alexander IV's nephew, Rinaldo,

French popes and the Angevins but, paradoxically, from now on had themselves called *de Papa*. The recurring revolts of Adinolfo II and Niccolò II (the son of Mattia II), under Martin IV after the Sicilian Vespers and then under Boniface VIII, were insufficient to shake off the growing power of the Caetani. Nor did they regain a leading position in the papal court, even though their place in the commune of Anagni remained predominant until the coup of 1303, in which they participated along with the great-nephews of Alexander IV. Nevertheless, this event quickly reinforced the hegemony of the Caetani family over the city at the start of the fourteenth century. Symbolic of the declining returns from Gregory IX's nepotism and the rise of the vigorous nepotistic policy pursued for twenty years by Benedetto Caetani/Boniface VIII (who, as a young canon in Anagni in 1250²²⁸ must have met Niccolò), was the sale of Gregory IX's former palace below Anagni Cathedral to Pietro Caetani in 1297 by Adinolfo II and Niccolò II, the great-nephews of our Niccolò. Only submission to the Caetani enabled three sons of Adinolfo II (Niccolò III, Odo and Pietro), to acquire various prebends in France.²²⁹ In the fourteenth century, it was under the protection of the Colonna that some members of the family were granted benefices in Anagni and Liège.²³⁰

Conclusion

While remaining in the shadows both of the sources and of the action, Niccolò di Anagni, protected by his uncle Gregory IX and held in high esteem by Alexander IV, followed a long career in the papal court or connected to it. He was a papal chaplain for forty-five years, *camerarius* for more than six. A bastard by birth, his important place in clerical society was only enabled by apostolic dispensation. As a canon of York, Sens and Paris, incumbent of churches in Anagni and the recipient of a pension from Lenton, amongst others, Niccolò appears as the product of nepotism in favour of a bastard. Yet it is

suffered similar vicissitudes (*Reg. Urban IV*, no. 79; *Codex diplomaticus*, ed. Theiner, 166 no. 312).

²²⁸ Montaubin, 'Entre gloire curiale', 404–406.

²²⁹ Montaubin, 'Le gouvernement de la grâce', ii, 288–289, 352, 356.

²³⁰ Rehberg, *Kirche und Macht*, 88, 253, 265, 341, 347.

moderate rather than degenerate nepotism, in a Campania which was still moulded by the Gregorian reforming experience, a nepotism which never achieved the systematic development of that of Innocent III or later of Boniface VIII.

With more modest means, Niccolò showed himself to be the worthy heir of Gregory IX and Alexander IV, who were themselves relatives, to differing degrees, of Innocent III. They illustrate the inherent tension in the Gregorian tradition. On the one hand, they sought to reinforce the temporal power of the popes in central Italy, which sometimes involved reliance on family, and to increase the international financial resources of the Holy See. On the other hand, they acknowledged the spiritual appeal of radical forms of the religious life, which insisted on the renunciation of worldly vanities and wealth, and a greater appreciation of the value of serving the least privileged, the poor and the sick, Christ-like figures, from a theologically and eschatologically reliable angle, without falling into the trap of Joachimism²³¹ which seduced some Cistercians, Franciscans and Celestines, religious orders to whom Niccolò showed his sympathy in the third quarter of the thirteenth century.

²³¹ Synthesis and bibliography in *Histoire du christianisme*, ed. A. Vauchez (Paris, 1993), v, 832–836.

THOMAS BECKET'S ITALIAN NETWORK

Anne J. Duggan

Among all possessions the possession of friends is the most excellent.¹

In his *Vita Alexandri III*, Cardinal Boso recorded an extraordinary event. On the feast of the Purification (2 February) in 1173, Alexander III celebrated a special Mass in honour of St Thomas of Canterbury in the cathedral of Segni, in the presence of the bishops and abbots of the Campania, and ordered the anniversary of his passion (martyrdom), 29 December 1170, to be celebrated for ever. Thus did the Pope anticipate by almost three weeks the formal canonization on Ash Wednesday, 21 February.² As Boso recorded it, there was a note of triumph about this ceremony. He placed the proclamation of Becket's martyrdom immediately after his report of the Avranches settlement (21 May 1172), in which Henry II had acknowledged some responsibility for Becket's murder, accepted penance, agreed that appeals should pass freely to the papal court, and sworn fidelity to Pope Alexander and his catholic successors.³ But this vindication of St Thomas and his cause had not been a foregone conclusion.

¹ *The Letters of Peter of Celle*, ed. and trans. Julian Haseldine, OMT (Oxford, 2001), 106–13, no. 30, at 107.

² *LP* ii, 426; see also *Boso's Life of Alexander III*, trans. G.M. Ellis, with an introduction by Peter Munz (Oxford, 1973), 86–87. For the canonization, see Alexander's letter (Segni, 10 March) to Cardinals Albert and Theodwin: *Materials for the History of Thomas Becket, Archbishop of Canterbury* [henceforth *Materials*], ed. J.C. Robertson and J.B. Sheppard, *RS* 67, 7 vols (London, 1875–85), vii, 544–45 no. 783, esp. 545, 'Habito itaque testimonio litterarum vestrarum, in capite jejunii, multitudine clericorum in ecclesia consistente, illum sanctum solenniter canonizavimus, eumque glorioso martyrum collegio decrevimus conscribendum'; see also *Ibid.*, 545–50 nos. 784–86.

³ Anne J. Duggan, 'Diplomacy, Status, and Conscience: Henry II's penance for Becket's murder', *Forschungen zur Reichs-, Papst- und Landesgeschichte. Peter Herde zum 65. Geburtstag von Freunden, Schülern und Kollegen dargebracht*, ed. Karl Borchardt and Enno Bünz (Stuttgart, 1998), i, 265–90; see also Eadem, 'Ne in dubium: the official record of Henry II's reconciliation at Avranches, 21 May 1172', *EHR*, 115 (2000), 643–58. It is hard, in the light of this evidence, to accept Munz's view (*Boso's Life*, 33) that 'Boso is completely untrustworthy in his account of Alexander's reaction to the news of the murder of Thomas Becket.'

Becket's canonization had followed ten years of intense Anglo-papal diplomacy, in which all parties to the Becket dispute sought to sway the Pope in their direction. From the beginning of the public dispute with his archbishop (October 1163), Henry II had applied immense pressure to induce Alexander III either to force Becket to accept the royal customs or to connive at his condemnation and disgrace. In this largely diplomatic battle, Becket's survival depended, more than anything else, on the maintenance of his position at the papal Curia. If Pope Alexander had been coerced or persuaded to sacrifice Becket on the altar of political expediency—and there were many voices urging just that—then it is unlikely that his French support-system would have lasted very long.⁴ It is true that it suited Louis VII's anti-Angevin policies to protect one of Henry II's enemies, but a disgraced and discredited Becket would not have been much use to him; and if Louis had withdrawn his protection, for whatever reason, then the core of the French kingdom (the Île de France, Blois and Champagne), together with Henry II's extensive 'Angevin empire', would have been closed to the exiles. As it was, the great Cistercian monastery of Pontigny, one of Cîteaux's four elder daughters, was forced to allow Becket to leave its shelter in November 1166, when Henry threatened Cistercian properties in England.⁵

There were Job's comforters enough, even among his own entourage, who thought the contest with the English king so unequal as to be hopeless. An anonymous 'loyal servant', perhaps John of Salisbury, wrote almost despairingly in mid-1164:

I cannot see that you can achieve anything worthwhile as long as things remain as they are and the king opposes you in everything—especially since the Roman Church can receive nothing from you

⁴ Julian Haseldine, 'Thomas Becket: martyr, saint—and friend?', in *Belief and Culture in the Middle Ages*, ed. Richard Gameson and Henrietta Leyser (Oxford, 2001), 305–17.

⁵ '... he made an official declaration of his enmity not long ago to the whole Order in the last Chapter at Cîteaux, declaring that he would remove all their houses from his land, unless the Cistercians expel me ... from the monastery of Pontigny': *The Correspondence of Thomas Becket, Archbishop of Canterbury 1162–1170* (henceforth *Correspondence*), ed. and trans. Anne J. Duggan, 2 vols, OMT (Oxford, 2000), i, 554–63 no. 115, at 556–57; for an earlier threat to Abbot Gilbert of Cîteaux, see *Materials*, v, 365–66 no. 188: 'Noveritis autem, quod si excessus monachorum vestrorum non correxeritis, ulterius sustinere non poterimus, quin injuriarum nostrarum quaeramus remedium.'

except words, and whatever loss it suffers on account of others it ascribes to you, because it will not allow you to be overthrown at the king's pleasure.⁶

When he wrote that letter, John was mesmerised by the overwhelming power of Henry II. Recently exiled himself, he was feeling the weight of the king's displeasure, and he thought that little support could be expected from the Curia, since the Pope and cardinals were exiles, too, dependent on the goodwill of the kings of France and England. Even John of Canterbury—an old friend of John's and Becket's from their days in Theobald's *familia*, then bishop of Poitiers—had said much the same to Becket in October 1163: 'as far as human aid is concerned, you should not expect from the Curia anything that might offend the king.'⁷

These dire predictions were unsurprising in the circumstance, but they turned out to be wrong. Thomas Becket, in fact, was far from friendless. Not only in France, where Peter of Celle and John of Salisbury cultivated an active friendship circle, but even more crucially in the papal Curia itself, Thomas found that he could count on the support and favour of an extensive network of friends and supporters. The French circle is well known;⁸ the Italian circle is the subject of this study.

During his service in Theobald's *familia* Becket, no less than John of Salisbury, had represented Canterbury's interests at the Curia many times. The later story that the chapel dedicated to him in the crypt of the papal cathedral of Anagni was situated in the very place where he had himself 'celebrated' (Mass),⁹ may be a slightly garbled echo of an actual embassy to Anagni under Pope Eugenius III. He could not, of course, have said Mass at that time, since he was not ordained priest until the eve of his episcopal consecration in 1162, but he was in minor orders, and could have participated in the liturgy. During the relevant period, *c.* 1145 to 1154, the Curia was

⁶ *Correspondence*, i, 92–93.

⁷ *Ibid.*, i, 44–45.

⁸ Haseldine, 'Thomas Becket: martyr, saint—and friend?'.

⁹ Herbert L. Kessler, "'Caput et speculum omnium ecclesiarum': Old St. Peter's and church decoration in medieval Latium", in *Italian Church Decoration of the Middle Ages and Early Renaissance*, ed. William Tronzo, Villa Spelman Colloquia, 1 (Bologna, 1989), 132–35 and plate 16; see also Miklós Boskovits, 'Gli affreschi del duomo di Anagni: un capitolo di pittura romana', *Paragone*, 30 (1979), 3–41. I am grateful to John Lowden for these references.

at Anagni once only, during July 1150.¹⁰ Whatever the reliability of that particular tradition, there is no doubt that he was an effective agent. In recording that he was often sent to 'Rome'—meaning the Curia—on Archbishop Theobald's business, one of his earliest biographers (William FitzStephen) claimed that he conducted himself so well that he acquired the favour both of the popes and of the Curia.¹¹ Rather like his older compatriot, Nicholas Breakspear, then abbot of Saint-Ruf and destined to become Pope Adrian IV (1154–59), whom he may have met at the council of Reims in March 1148, he was an able speaker.¹² More than that, his tall stature and impressive bearing¹³ made him immediately memorable. Even before his elevation, then, he was well-acquainted with the ways of the Curia, and had made many contacts, perhaps even friends, there—contacts which were reinforced at Tours when, as archbishop of Canterbury, he attended the papal council in May, 1163.¹⁴ How important these contacts were would be demonstrated within six months.

Right at the beginning of the crisis (October, 1163), he sent a battery of letters to Pope Alexander and individual cardinals. Only four of the latter (to Hubald of Ostia, Hyacinth, Albert de Morra, and Bernard of Porto), have been preserved, but they demonstrate that Thomas was already on terms of considerable intimacy with some of the most influential members of the papal court. Hubald, dean of the college of cardinals,¹⁵ was 'his dearest father and lord';¹⁶ Hyacinth, who had been a cardinal since 1144,¹⁷ was his 'special

¹⁰ *JL*, ii, 68.

¹¹ *Materials*, iii, 16, 'mittebat eum archiepiscopus aliquotiens Romam pro negotiis ecclesiae Anglorum, ubi, Domino favente, sapienter se gerens, in plurimam summorum pontificum et sanctae ecclesiae Romanae gratiam receptus est.'

¹² *Materials*, iii, 17, 'eloquio comptus'.

¹³ *Ibid.*, 'statura procerus'.

¹⁴ The council was attended by seventeen Cardinals, 124 bishops, and 414 abbots: *Boso's Life*, 59–62.

¹⁵ The former Cistercian, Ubaldo Allucingoli of Lucca, was Cardinal deacon of S. Adriano al Foro 1138–41, Cardinal priest of S. Prassede 1141–58, Cardinal bishop of Ostia and Velletri 1158–81, and finally Pope Lucius III 1181–85: J.M. Brixius, *Die Mitglieder des Kardinalkollegiums von 1130–1181* (Berlin, 1912), 43, 90, 134, 139, 140.

¹⁶ *Correspondence*, i, 32–35 no. 13, at 32–33.

¹⁷ Hyacinth (Giacinto, Jacinthus) Bobo was Cardinal deacon of S. Maria in Cosmedin 1144–91 and finally Pope Celestine III, 30 March 1191–January 1198: Brixius, *Die Mitglieder*, 52, 104; Helene Tillmann, 'Ricerche sull'origine dei membri del collegio cardinalizio nel XII secolo', 2/i, *Rivista di storia della Chiesa in Italia*, 26 (1972), 313–53, at 350–53.

patron and friend';¹⁸ and Albert was 'his lord and dearest friend' and 'most beloved lord', whom he would rather meet 'in our own person . . . than through another, and hear and exchange living words . . . if only it were possible!'¹⁹ His friendship with Hubald and Hyacinth probably dated back as far as the council of Reims (1148); that with Albert perhaps to his year-long sojourn as a law-student in Bologna, in the period 1151–53.²⁰ Bishop John of Poitiers, later (mid-1164), told Becket that Master Albert '[was] serving your interests not only out of respect for you, but out of consideration for the nature of the case, for he understands and declares that you have undertaken not only your own cause and that of the Roman Church, but the cause of the whole Church.'²¹ The last of the recorded letters was to Master Bernard of Lucca, another member of the 'old guard' in the Curia, with almost twenty years experience,²² who was addressed as 'dearest father and lord'.²³ There is no presumption of friendship in the letter, however; and, in the sequel, Bernard was regarded as an 'enemy'.

Bernard's opposition was more than balanced by two even more influential cardinals, Boso and Henry of Pisa. Boso has claims to being one of Becket's oldest Curial friends.²⁴ Writing, probably in December 1167, Thomas reminded Boso that he had 'been joined with [him] in personal friendship since the time of Guy of Pisa,²⁵ and [that] it was through [Thomas's] influence that [he] became a

¹⁸ *Correspondence*, i, 38–41 no. 16, at 40–41.

¹⁹ *Ibid.*, i, 36–39 no. 15.

²⁰ An Augustinian canon regular, Albert had taught canon law in Bologna. That Becket may have met him then, or even been one of his pupils, cannot be securely established, but the warmth of Becket's letter suggests a deep and abiding friendship. Albert was Cardinal deacon of S. Adriano al Foro 1156–58, Cardinal priest of S. Lorenzo in Lucina 1158–87, chancellor of the Roman Church 1178–87, and finally Pope Gregory VIII, 21 October–17 December 1187: Brixius, *Die Mitglieder* 57–58, 112–13; Barbara Zenker, *Die Mitglieder des Kardinalkollegiums von 1130 bis 1159* (Diss. Würzburg, 1964), 125–29.

²¹ *Correspondence*, i, 98–109 no. 31, at 106–07.

²² Cardinal priest of S. Clemente 1145–58, Cardinal bishop of Porto and S. Rufina 1158–76, d. 18 June 1176: Brixius, *Die Mitglieder*, 53, 105, 135, 136.

²³ *Correspondence*, i, 34–37 no. 14, at 35.

²⁴ Cardinal deacon of SS. Cosma e Damiano 1156–66, Cardinal priest of S. Pudenziana 1166–78: Brixius, *Die Mitglieder*, 58, 113; F. Geisthardt, *Der Kämmerer Boso* (Berlin, 1936); see also *DHGE*, ix [1937], 1319–20, which states, erroneously, that he was English, and a nephew of Adrian IV.

²⁵ Guy (? Moricosi), Cardinal deacon of SS. Cosma e Damiano 1132–46, chancellor of the Roman Church 1147–49: Brixius, *Die Mitglieder*, 43, 89 n. 61.

friend of our predecessor [Archbishop Theobald]', presumably at Reims in 1148.²⁶ It may have been at Reims, also, that Thomas met Henry of Pisa,²⁷ then *subdiaconus curie*.²⁸ His support for the Canterbury party was evident from the beginning. In letters to Becket in October 1163 and June 1164, John of Poitiers called Henry *Pisanus noster* ('our Pisan');²⁹ and although there are no letters from him in the Becket Correspondence (and only two addressed to him),³⁰ Henry's powerful patronage was manifest from the outset. Immediately after Henry II's envoys had denounced Becket to the Pope and cardinals at Sens in November 1164, Cardinal Henry wrote warmly in his defence to Louis VII of France. Calling Thomas *carissimus amicus noster* ('our dearest friend'), he explained to Louis VII that only the implacable enmity of Henry II had induced Becket to seek the French king's aid: 'As God is our witness, we believe that it is because the king of England is so seriously and irrevocably exasperated against our same friend that, in his difficulties, he has ventured to seek your aid and protection.'³¹

Becket's stand against a king with the power and reach of Henry II could not have endured without the support, no matter how nuanced by his own vulnerability, of Alexander III; and that would not have survived for long without the approval of Curial Cardinals and notaries, most of them Italian. Despite all the fears that Henry II would be able to outmanoeuvre the exiles by diplomacy, threats, or bribery, there emerged a recognizable 'Becket-friendly' group in the Curia, which comprised between eight and twelve Cardinals (out of about twenty-five).³² Foremost among them was an inner core of

²⁶ *Correspondence*, i, 718–21 no. 153, at 720–21.

²⁷ Formerly a monk at Clairvaux, promoted by Eugenius III, he was Cardinal priest of SS. Nereo e Achilleo 1151–66: Brixius, *Die Mitglieder*, 54–55, 108.

²⁸ John of Salisbury, *Historia Pontificalis*, ed. and trans. Marjorie Chibnall (London, 1956; revised repr. Oxford, 1986), 21–23.

²⁹ *Correspondence*, i, 42–47 no. 18, at 47; i, 98–109 no. 31, at 105. In the second letter, John records that Becket had commanded him to entrust his business to no one 'except the Lord Pope and our Pisan'.

³⁰ *Correspondence*, nos 80 and 117.

³¹ *Recueil des historiens des Gaules et de la France*, xvi, ed. Michel-Jean-Joseph Brial, new edn by Léopold Delisle (Paris, 1878), 107–08, no 334, 'Teste Deo loquimur, quia ex hoc maxime credimus Regem Angliae adversus eundem amicum nostrum tam graviter, tam irremediabiliter esse turbatum, quod in angustiis suis auxilium et patrocinium vestrum ausus est postulare.'

³² For Alexander III's Cardinals, see *JL*, ii, 145–46.

about eight Italians (Albert de Morra,³³ Boso,³⁴ Henry of Pisa,³⁵ Hubald of Ostia,³⁶ Hyacinth,³⁷ Manfred of Lavagna,³⁸ Otto of Brescia,³⁹ and Theodwin),⁴⁰ upon whom the Becket party could normally rely. To these can be added the German, Conrad of Wittelsbach, archbishop of Mainz and Cardinal bishop of Sabina, his 'singular and special, intimate, and beloved friend in the Lord',⁴¹ whose powerful influence was invoked in late 1165,⁴² and perhaps Hildebrand⁴³ and Peter de Bono,⁴⁴ whom anti-imperial bias may have inclined in Becket's favour. The English Walter of Albano belonged to this group also, for John of Salisbury reckoned him a friend and fellow protégé of the English Adrian IV, whose episcopal title he bore,⁴⁵ to whom he could write frankly;⁴⁶ and in July 1170, Becket recalled

³³ Above, note 20.

³⁴ Above, note 24.

³⁵ Above, note 27.

³⁶ Above, note 15.

³⁷ Above, note 17.

³⁸ Cardinal deacon of S. Giorgio in Velabro 1162–73, Cardinal priest of S. Cecilia 1173–76, Cardinal bishop of Palestrina 1176–78; d. 17 January 1178: Brixius, *Die Mitglieder*, 64, 122–23, 135, 136, 142.

³⁹ Cardinal deacon of S. Nicola in Carcere Tulliano 1153–75, d. 7 March 1175: Brixius, *Die Mitglieder*, 56, 111–12. Becket likened him to 'an angel from heaven' when he arrived in France as papal legate in autumn 1167 (*Correspondence*, i, 624–27), and his support for Becket was demonstrated at Argentan, in the following December, when Becket was told (*Correspondence*, i, 692–94) that 'Lord Otto is secretly informing the Lord Pope that he will be neither the agent nor the abettor of your deposition, although the king seems to want nothing else but your head on a platter.'

⁴⁰ Cardinal priest of S. Vitale 1166–79, Cardinal bishop of Porto 1179–86: Brixius, *Die Mitglieder*, 66, 126, 135, 140.

⁴¹ *Correspondence*, 246–47 no. 63. Conrad was Cardinal priest of S. Marcello 1165–66, Cardinal bishop of Sabina 1166–1200, archbishop of Salzburg 1177–83, archbishop of Mainz 1184–1200: *Ibid.*, ii, 1366–67.

⁴² *Ibid.*, i, 242–45 no. 62.

⁴³ A member of the anti-imperialist Grassi family of Bologna, Hildebrand was Cardinal deacon of S. Eustachio 1152–56, Cardinal priest of SS. XII Apostoli 1156–78: Brixius, *Die Mitglieder*, 55, 109; corrected by Zenker, *Die Mitglieder*, 107–09.

⁴⁴ Cardinal deacon of S. Maria in Aquiro 1166–73, Cardinal priest of S. Susanna 1173–87: Brixius, *Die Mitglieder*, 66, 125, 140, 142. Tillmann challenges the tradition of his Veronese origins and links him instead with the Roman Capocci family: 'Ricerche sull'origine dei membri del collegio cardinalizio nel XII secolo', 2/ii, *Rivista di storia della Chiesa in Italia*, 29 (1975), 363–402, at 367–69.

⁴⁵ Cardinal bishop of Albano (1158–?1178): Brixius, *Die Mitglieder*, 60, 118 no. 146; Zenker, *Die Mitglieder*, 39; *The Letters of John of Salisbury*, ii: *The Later Letters (1163–1180)*, ed. and trans. W.J. Millor and C.N.L. Brooke, OMT (Oxford, 1979), ii, 432–33 and n. 1. Probably English and a canon regular from Saint-Ruf.

⁴⁶ John of Salisbury, *Letters*, ii, 432–39, no. 235.

that he had 'often experienced [Walter's] kindness in many very important matters'.⁴⁷

How important the acquisition and maintenance of such support was to Becket's fortunes is demonstrated with unusual clarity in a private report sent by Master Hervey, one of his early emissaries to the papal court. His report on the strenuous efforts which he had made to persuade the Pope to bolster Becket's position by conferring the office of legate on the exiled archbishop and confirming the primacy of his see in the English realm, makes interesting reading:

Following the instructions in your letter, I showed the text of the profession to the Lord Pope in strictest confidence, with no Cardinal apart from the lord Manfred present, and read it to them very carefully; then in their lodgings I showed the same text to the lord of Ostia [Hubald], lords Hyacinth and Otto [of Brescia], and even to the lord of Porto,⁴⁸ since the Lord Pope advised and commanded that your business should be communicated to him. The messenger was not able to bring back what you asked to be sent to you in relation to your business . . . because I have not yet been able to secure it. This is not because the Lord Pope or your friends among the Cardinals are going back on their promises in any way or showing themselves more negligent . . . but because I spent fifteen days circling round and inveigling the lord of Porto, with the greatest caution . . . and I managed to secure that he would be the first of your friends to approach the Lord Pope at Clermont in respect of your petitions.⁴⁹ However, the Lord Pope, with fatherly care, exhibited at first a stern, harsh, and almost obdurate countenance to provoke especially Porto and the others to greater insistence; and this is the cause of the delay, which will through God's mercy be to our advantage in the future. Ostia, nevertheless, is very pleased that the Lord Pope is displaying such diligence.⁵⁰

There are no surprises among the four 'friendlies' named by Master Hervey (Hubald of Ostia, Hyacinth, Manfred, and Otto), but the Pope's attachment to them of the Cardinal bishop of Porto clearly

⁴⁷ *Correspondence*, ii, 1282–85, no. 302.

⁴⁸ Above, note 22.

⁴⁹ Alexander III was resident at Clermont (in the Auvergne) from 25 May to 25 June 1165: *JL*, 11194–11213. Becket was seeking either a legation, or primacy, or both. Primacy was conferred on 8 April; the legation on 2 May 1166: *Correspondence*, i, 272–79 nos. 70–71.

⁵⁰ *Ibid.*, i, 206–11 no. 48, at 206–09.

surprised him, and other sources put the powerful Master Bernard of Lucca firmly in Henry II's camp. Hervey's report throws extraordinary light on the inner workings of the papal court. The Pope was not a dictator. He was more like the chairman of a board, who has to act with the approval of his fellow directors (the Cardinals), and find ways to accommodate or neutralize potential opposition. Sensing the weight of opinion in favour of Becket, Bernard of Lucca may have been playing a double game, and Alexander may have been attempting to force him into a public declaration in Becket's favour. The Pope may, in fact, have been far more sympathetic to the archbishop than many recent historians allow,⁵¹ although, as he explained in a frank letter in late 1170, he had had to tread very carefully through the political minefields of the mid-1160s,⁵² and the 'warmth of love and affection which [he] had [for Becket]'⁵³ had to be tempered by diplomacy.

The crucial importance of the maintenance of support in the Curia explains the preponderance of letters to and from the papal court in the surviving dossier of Becket correspondence. Of the 329 letters which passed between Thomas of Canterbury and recipients of all kinds, sixty nine (20%) involved the Pope and a further seventy-one (21.5%) involved members of the Curia—Cardinals and important officials—making one hundred and forty, representing 41.5% of the total; and if the letters of instruction issued to Becket's envoys or agents at the Curia are included, the proportion rises to almost 45%. One must allow that many letters have been lost; and that the survival may not accurately reflect the relative proportion of letters sent and received; but these statistics indicate the balance of importance given by the compilers to the record of Curial contacts.

Henry II, of course, did not lack friends in the Curia, though they seem to have been fewer in number. About five Cardinals can be

⁵¹ For example, David Knowles, *Thomas Becket* (London, 1970), 104, 110–12; Munz, *Boso's Life*, 22–24; Frank Barlow, *Thomas Becket* (London, 1986), esp. 134–35. For a different emphasis, see Duggan, *Correspondence*, i, pp. xxi–xxiii. It should not be forgotten that Alexander used all the powers of his office to thank Becket's supporters (Pontigny, Clairmarais, William the Lion of Scotland, Dean John of Orléans, Louis VII [twice!], Count Philip of Flanders) and to encourage them to continue the good work: *Materials*, v, 172–73, 242–46 nos. 91, 104, 133–37.

⁵² *Correspondence*, ii, 1290–95 no. 307.

⁵³ *Ibid.*, ii, 808–11 no. 179, at 810–11.

identified as pro-royal for most of the controversy. Three (John of Naples,⁵⁴ Bernard of Lucca,⁵⁵ and William of Pavia)⁵⁶ were named in mid-1164;⁵⁷ two (John of Naples and John of Sutri)⁵⁸ were denounced in mid-1168;⁵⁹ and Peter de Mizo⁶⁰ was included with John of Naples, Bernard, William, and two others (Odo of Tusculum⁶¹ and Hyacinth) among the six *fideliores* named by Henry's envoys to the Curia in early 1171.⁶² Of that final list of six (John of Naples, Bernard, William, Peter, Odo and Hyacinth), however, only two—Bernard of Lucca and John of Naples—can be shown to have supported Henry II consistently, although Peter de Mizo may have been one of their company, since his letter congratulating Becket on the peace of Fréteval is full of ambiguities.⁶³ Of the remainder, Odo of Tusculum had played no role in Curial affairs in the 1160s, having been appointed to the Sacred College only in December 1170, and Hyacinth may have done no more than receive the king's messengers, when access to the Pope's presence was initially denied, and give advice on their best method of approach. In his letters, Becket associated him with his most powerful advocates, Conrad of Wittelsbach, Henry of Pisa, and Hubald of Ostia.⁶⁴ Allowing for

⁵⁴ Cardinal priest of SS. Sergio e Baccho 1150–58, Cardinal priest of S. Anastasia 1158–83: Brixius, *Die Mitglieder*, 55–56, 110–11; Zenker, *Die Mitglieder*, 73–77. Evidence of strong support for Henry II is provided in *Materials*, vi, 380–2 no. 396.

⁵⁵ Above, note 22.

⁵⁶ Cardinal priest of S. Pietro in Vincoli 1158–76, Cardinal bishop of Porto 1176–78: Brixius, *Die Mitglieder*, 40, 118–19. For the suggestion that he had formerly been a Cistercian monk, and Cardinal deacon of S. Maria in Via Lata, see *Italia Pontificia*, 6/i, 189 note to no. 2.

⁵⁷ *Correspondence*, i, 96–99. 'Naples, Porto, and Pavia are attacking you [Thomas] in every way'.

⁵⁸ Cardinal priest of SS. Giovanni e Paolo 1151–80/1, papal vicar in Rome from October or September 1167: Brixius, *Die Mitglieder*, 55, 109. See John of Salisbury, *Letters*, ii, 447 n. 20.

⁵⁹ John of Salisbury, *Letters*, ii, 606–09, 'The religious who support the king . . . uttered curses on John of Naples and John of St. John and St. Paul [Sutri], who they say seduced the Pope.'

⁶⁰ From a noble Roman family, Peter was Cardinal deacon of S. Eustachio 1158–65/66, Cardinal priest of S. Lorenzo in Damaso, 1165/6–1174, d. 14 September 1174: Brixius, *Die Mitglieder*, 59, 116 note 143; see also Tillmann, 'Ricerche', 2/ii, 365–66.

⁶¹ Master Odo of Soissons, formerly abbot of the Cistercian monastery of Ourscamp, Cardinal bishop of Tusculum December 1170, d. before 21 February 1172: Brixius, *Die Mitglieder*, 65, 124.

⁶² *Materials*, vii, 473.

⁶³ *Correspondence*, ii, 1342–45 no. 325.

⁶⁴ Hyacinth appears with them as co-recipient *Ibid.*, nos. 80 and 174. His advice to treat King Henry with mildness after the 'peace' of Fréteval, should be read

some waverers, therefore, the balance of power among the Cardinals seems to have favoured the Becket party; and that balance may have been tilted further in their direction with the defection of John of Sutri towards the end of the exile (*c.* August 1169);⁶⁵ and William of Pavia, who seems to have started hedging his bets after the failure of his legation in 1167–68,⁶⁶ was addressed with some warmth in late July 1170,⁶⁷ and sought inclusion among the angels in mid-September 1170:

So warm is the affection which we feel for you that we intend without exception to support and advance all your interests as if they were our own, and to promote them in every way to your honour with more diligent attention, preferring to be found dilatory or even neglectful in our own affairs than in yours.⁶⁸

This may have been no more than diplomatic bridge-building in the aftermath of the peace of Fréteval, but the gifts sent by Cardinals Hubald⁶⁹ and Theodwin⁷⁰ were expressions of a friendship and support which had never wavered. And it is not surprising that it was Theodwin, together with Albert de Morra, who was sent in late 1171 to negotiate the terms of Henry II's re-admission to full membership of the Church. Not only did they ensure that the king's submission was publicized as widely as possible,⁷¹ they discharged an equally important mission. In compliance with the Pope's instructions, they investigated the miracles recorded at Becket's tomb, and, as the canonization letters make clear, it was on the basis of their favourable report that Thomas was raised to the status of saint and martyr in February 1173.⁷²

rather as the counsel of a natural diplomat than as evidence of disaffection: *ibid.*, ii, no. 316.

⁶⁵ *Ibid.*, ii, 964–65 no. 219.

⁶⁶ John of Salisbury, *Letters*, ii, 608–09.

⁶⁷ *Correspondence*, ii, 1286–89 no. 304.

⁶⁸ *Ibid.*, ii, 1298–99 no. 309.

⁶⁹ *Ibid.*, ii, 1296–97 no. 308: seven silver marks and 45 morabetins.

⁷⁰ *Ibid.*, ii, 1318–21 no. 317, at 1320–21: silk coverlets, including a particularly fine cloth of green samite.

⁷¹ The survival of two of their reports, addressed respectively to Archbishop William of Sens and Archbishop Gerard of Ravenna (*Materials*, vii, 520–23 nos 774–75) suggests wide circulation: see Duggan, 'Diplomacy, Status, and Conscience', at note 42.

⁷² 'Habito itaque testimonio litterarum vestrarum', *Materials*, vii, 545; see also *ibid.*, 546, 548, 549–50.

The existence of this Italian friendship circle—and its stability through the years of trial and tribulation—were ignored by Julian Haseldine, who thought, following the lead of Frank Barlow, that ‘Becket . . . shed friends easily as he progressed in his career, inspiring loyalty rather than affection.’⁷³ Neither scholar names names, however, although Barlow cites the willingness of some members of Becket’s exiled household to make their peace with Henry II in 1166. But not all a bishop’s *familiares* are friends; and some ‘friends’ are false and fickle. As Master Hervey wrote to his master in 1164, even before the exile began, ‘by the slightest turn of her wheel, the force of changed Fortune drove away those who for a long time had promised to be constant under her smile, and revealed that they were her friends, not yours.’⁷⁴ The king’s powerful chancellor had certainly been surrounded by a host of sycophants, fair-weather friends who found it advantageous to court his favour. But their ‘friendship’ evaporated when he lost the king’s; and even those who had been genuine, found it impossible to express their feelings openly. Once Becket had been declared a traitor (following the council of Northampton in October 1164), it was dangerous for a man within Henry II’s extensive dominions to be associated with him. Even after a form of peace had been made at Fréteval in July 1170, Becket’s envoys met only hostility and obstruction as they attempted to prepare for his return to England, even though they were armed with the king’s writ of peace:

Again and again, my lord, we impress on your memory, that you should not hurry into England unless you are able to secure the unadulterated grace of the lord king. For there is no man in England, even among those you trust, who does not despair entirely of the peace; and those who should give us advice, whom we relied on especially, all avoid our conversation and flee our company.⁷⁵

There is no doubt that Henry II’s *ira et malevolentia* cast an icy shroud over those of Becket’s *amici* who lived in his dominions; elsewhere, however, and most crucially in the papal court, he had made a circle of friends who were not so vulnerable to the power of the English king.

⁷³ Haseldine, ‘Thomas Becket’, 307; see also Barlow, *Thomas Becket*, 25.

⁷⁴ *Correspondence*, i, 136–43 no. 36, at 136–37.

⁷⁵ *Ibid.*, ii, 1302–09 no. 311, at 1308–09.

Moreover, it was not only among the titled élite of the Curia that Becket sought and made influential friends. William FitzStephen succinctly recorded that he spent a year studying law in Bologna, augmented by further study in Auxerre.⁷⁶ FitzStephen's choice of noun is significant. He says 'the laws' (*in legibus*), words which at that time and from a trained lawyer meant Roman law.⁷⁷ John of Salisbury, with no precision as to place, confirmed that he studied Roman law (*juri civili*), as well as the sacred canons.⁷⁸ Both biographers, who knew Becket well, place his legal studies immediately before his appointment as archdeacon of Canterbury, which occurred between October 1154 and January 1155.⁷⁹ The most likely period, therefore, for Becket's Bolognese residence is between 1148/9 and October 1154, most probably 1151–53. By that time, Bologna had become the principal centre for the study *utriusque iuris*, of both laws, canon and Roman,⁸⁰ and a galaxy of masters and distinguished pupils flocked to its lecture rooms. All 'four doctors' of the civil law (Bulgarus, Martinus, Hugo, and Jacobus) were in place; so too was the canonist, Omnebene, later bishop of Verona 1157–85.⁸¹ Frank Barlow is scornful of Becket's educational achievements in this phase of his

⁷⁶ *Materials*, iii, 17, 'per annum studuit in legibus Bononiae, et postea Autissiodori.'

⁷⁷ Contemporaries often contrasted 'leges' (Roman law, the *Corpus iuris civilis* of Justinian) with the 'canones' (canon law, which, by the 1150s, usually meant the vulgate edition of Master Gratian's *Decreta*, commonly known as the *Decretum*).

⁷⁸ *Materials*, ii, 304, 'Ut vero in causis perorandis et decidendis et populis instruendis a Deo praedestinato facilitas pararetur antistiti, juri civili et sacris canonibus operam dedit.'

⁷⁹ John Le Neve, *Fasti Ecclesiae Anglicanae, 1066–1300*, i–iv, compiled D.E. Greenway (London, 1968–69), ii, 13, 'post Oct. 1154 and before Jan. 1155'.

⁸⁰ Though not, of course the only centre. For the precocious achievement of the law schools in Provence, see André Gouron, *La science du droit dans le Midi de la France au Moyen-Age*, Collected Studies Series, 196 (London, 1984); Idem, *Études sur la diffusion des doctrines juridiques médiévales*, Collected Studies Series, 264 (London, 1987); Idem, *Juristes et droits savants: Bologne et la France médiévale*, Collected Studies Series, 679 (Aldershot, 2000). There are good grounds for believing that Nicholas Breakspear (the later Adrian IV), studied law at Arles: see Christoph Egger, 'The Canon Regular: Saint-Ruf in context', in *Adrian IV (1154–1159). The English Pope: studies and texts*, ed. Brenda Bolton and Anne J. Duggan (Aldershot, 2003), 15–28, esp. 20–21; see also Anne J. Duggan, 'Servus servorum Dei', in *ibid.*, 181–202, esp. 200.

⁸¹ Omnebene was one of the earliest commentators on Gratian's *Decretum*, having compiled an *Abbreviatio Decreti* c. 1156: *Dictionnaire de droit canonique*, vi (Paris, 1957), 1111–12; R. Weigand, 'Die Dekret-Abbreviatio Omnebenes und ihre Glossen', in *Recht als Heildienst. Mathias Kaiser zum 65. Geburtstag gewidmet*, ed. W. Schulz (Paderborn, 1989), 271–87.

life, preferring to see him as an undeclared pupil of Magister Vacarius at Canterbury—undeclared, because Vacarius joined the household of Archbishop Roger of York in the early 1160s, and so was associated with one of Becket's enemies.⁸² There is no evidence that Vacarius taught Becket; and, indeed, there was no time in Becket's *curriculum vitae* during that period for anything more than informal consultation. When it came to formal legal study, Becket went to the best schools. How much he learned, we shall never know, but he made some friends and learned enough to appreciate the importance of the latest legal advice. This was why, some time in 1163, as the jurisdictional dispute with the king was beginning to manifest itself, he recruited to his own service Master Lombard of Piacenza, who was to prove an invaluable asset. It was almost certainly he who advised Becket during the critical year from October to October 1163–64; and Lombard fled with him from England in late October 1164, after the council of Northampton.⁸³ He then remained with Becket until June 1168, when he was sent to present Becket's case to the Pope in person. The letter of credence, which Lombard carried with him to the Curia, contains a remarkable testimony of Becket's respect for him. Addressing Pope Alexander, the archbishop says,

We have sent our very dear and loyal son, Master Lombard, to you; he is in all things a proven sharer of our affliction, who knows fully our misfortunes and the wickedness of the other side; he will most faithfully recount what is being said in the French Church about the actions taken against us. If it please you, listen to him as you would to ourselves in person, because it is not possible to find one more faithful to you and the Church, and more agreeable to us.⁸⁴

After such a testimonial, it is not surprising to find that Lombard was called to even higher service (and a brilliant career) in the Curia,⁸⁵ although he seems to have been appointed *subdiaconus Romane*

⁸² Barlow, *Thomas Becket*, 37.

⁸³ He witnessed two charters for the abbey of St-Bertin between 5 and 10 November 1164: *English Episcopal Acta*, ii (Canterbury), nos. 39–40. Herbert of Bosham named him as one of Becket's *eruditi*: *Materials*, iii, 523–24.

⁸⁴ *Correspondence*, i, 770–75 no. 169, esp. 774–75.

⁸⁵ Cardinal deacon of the Roman Church 1170, Cardinal priest of S. Cyriaco and archbishop of Benevento 1171–79: Klaus Ganzer, *Die Entwicklung des auswärtigen Kardinalats im hohen Mittelalter*, Bibliothek des deutschen historischen Instituts in Rom, 26 (Tübingen, 1963), 121–23, correcting Brixius, *Die Mitglieder*, 64, 122.

ecclesie some time before that.⁸⁶ During his time in Becket's service, he had not only firmed up Becket's mastery of the canon law,⁸⁷ he played a significant rôle in the counsels of the archbishop. He drafted sensitive letters,⁸⁸ he was consulted on others,⁸⁹ and he wrote at least one letter to the Pope in his own name (in February–March 1167), which severely criticized the actions of the royal envoy, John of Oxford, whom Alexander had confirmed as dean of Salisbury to placate the king. By implication, it also, with some audacity, criticized the Pope himself.⁹⁰ Later in the same year, he was present with members of Becket's household at the momentous meeting with Cardinals William of Pavia and Otto of Brescia on 18–19 November 1167, at which Thomas refused to dissimulate about the Constitutions of Clarendon, even to secure restoration to his see.⁹¹ Lombard's journey to the Curia as Becket's envoy in mid-1168, which was the occasion of Becket's fulsome recommendation quoted above, was not the end of his association with the exiled household. John of Salisbury sent him an account of the complicated political and diplomatic manoeuvres which occurred just after his departure, urging him to persuade the Pope to act more firmly in Becket's defence.⁹² By January–February 1169 he was back in France, this time in the company of the recently-promoted Archbishop William of Sens (whose *pallium* he may have transmitted).⁹³ It is not known how long he remained in France; but he may have stayed until the arrival of a further set of papal envoys (Masters Gratian and Vivian) in August

⁸⁶ In late 1167 he wrote to the Pope as a member of the Curia ('Cum vestrae sanctitatis puer et vestrarum manuum opus in Christo sim'): *Materials*, vi, 171–74 no. 292.

⁸⁷ '... magistrum [Thomas Becket] in exsilio canones docuit': Herbert of Bosham, *Materials*, iii, 523.

⁸⁸ *Materials*, v, no. 222, 'Epistola Lumbardi in persona Cantuariensis archiepiscopi'. This was one of three draft replies to the bishops' appeal of mid-1166, of which two, including Lombard's effort, were set aside in favour of *Correspondence*, i, 388–425 no. 95.

⁸⁹ Even John of Salisbury submitted the draft of a reply to Cardinal William of Pavia for his approval (together with that of Alexander Wallensis and Bishop John of Poitiers): *Materials*, vi, no. 319 and John of Salisbury, *Letters*, ii, 400–1 no. 228.

⁹⁰ *Materials*, vi, 171–74 no. 292.

⁹¹ *Correspondence*, i, 664–75 no. 144, esp. 664–65 and 668–71.

⁹² John of Salisbury, *Letters*, ii, 602–09 no. 279.

⁹³ John of Salisbury, *Letters*, ii, 630–31. John's assertion that he was in the household of the archbishop of Sens is ambiguous: it may mean no more than that Lombard was in his company.

1169.⁹⁴ If his suggested identity with the 'Master Longinus' of *Becket Correspondence*, no. 239 is correct,⁹⁵ then he joined the papal embassy and remained behind as the colleague (*socius*) of Master Vivian, when Gratian, accompanied by Archbishop William of Sens, departed for the Curia in early September 1169. Such an appointment would have been very significant in the circumstances, for Vivian was thought to be more favourable to the king than Gratian. On Gratian's withdrawal from the negotiations, it was feared that Vivian might be bribed or tricked into making unwelcome concessions. Lombard/Longinus could have played a crucial rôle in steering Vivian along the straight and narrow path. Master Lombard was therefore no make-weight in Becket's household. From the beginning, he provided the legal expertise to support the archbishop's arguments; during the exile he functioned as Pope Alexander's eyes and ears, and may, if the above identification is correct, have prevented capitulation at the end of 1169. Whatever his precise rôle, he was handsomely rewarded by the Pope with nomination to the sacred college in December 1170. By a remarkable coincidence, his first recorded signature as Cardinal deacon of the Roman Church was on the very day of Becket's murder, 29 December 1170.⁹⁶

Whether he had met the young Lombard during his own days in Bologna cannot be established. It is highly likely, however, that he did encounter Omnebene, the later bishop of Verona, in the law schools, as well as Master Albert de Morra, who was pope for a few months in 1187, and Master Humbert Crivelli of Milan, another Bolognese canonist, whose own ecclesiastical career was crowned by election to the papacy as Pope Urban III (1185–87).⁹⁷ Omnebene's friendship bore no recorded fruit in Becket's lifetime, but Master Albert was a powerful friend at the heart of the Curia,⁹⁸ and Master Humbert was regarded, with not much exaggeration, as a

⁹⁴ *Correspondence*, i, p. lvi.

⁹⁵ *Ibid.*, ii, 1026–27 and note 10.

⁹⁶ Ganzer, *Die Entwicklung*, 122, citing Paul Kehr, *Papsturkunden in Spanien*, ii, *Navarra und Aragon* (Berlin, 1928; repr. Göttingen, 1970), 441 no. 111.

⁹⁷ Humbert's *cursus honorum* reads like every cleric's dream: archdeacon of Bourges, archdeacon of Milan, Cardinal priest of S. Lorenzo in Damaso 1182, bishop-elect of Vercelli 1183–84, archbishop of Milan (January 1185) and finally Pope Urban III, 25 November 1185–20 October 1187: Ganzer, *Die Entwicklung*, 134–36; *Correspondence*, ii, 1377.

⁹⁸ Above, note 20.

detached member of the household. The only survival from their correspondence is Humbert's letter to Becket, which can be dated to September–October 1167, when Humbert was archdeacon of Bourges. Although very short, and probably transmitted clandestinely, for Bourges was in Aquitaine, which was subject to Henry II's lordship by virtue of his marriage to its duchess (Eleanor), it demonstrates that Master Humbert was both a friend and a trusted agent of the archbishop. Written at a time of grave crisis for the Becket exiles,⁹⁹ its inscription, from 'his Humbert', addresses Thomas as 'his dearest father and spiritual lord', and proffers 'whatever he is and whatever he can do'. Although part of the formal rhetoric of written communications between ecclesiastics, this greeting translates into a close and familiar relationship between the two. This is precisely the kind of greeting which a member of the household would have sent to Becket. How significant that relationship was is made clear in the letter itself, which deserves to be quoted in full:

I received your highness's letter¹⁰⁰ which said that you were surprised that you had learned nothing about the Cardinals' coming from me.¹⁰¹ How very gladly and willingly I would have sent you word, if their coming had not been so sudden that I was not able to learn about it in advance, he who is the searcher of hearts and reins knows. Nevertheless, although I was already embarked on another journey, as behoves a friend who is concerned for you, I went to meet them at Châteauroux, carefully enquiring from them, both separately and together, what power for or against you they had received in their mandates. In short, as I conjectured from the statement of one of them, and as I realized from reading the legation letters of both,¹⁰² absolutely nothing has been permitted them against you, but rather for you. Beyond that, however, I then took the opportunity to suggest to them that they should by all means possible guard against setting anything in motion against the lord king of the French or his kingdom, or even against you, reminding them how displeased the lord king was at the absolution of that John of Oxford.¹⁰³ When I met him

⁹⁹ Arrival of Cardinals William of Pavia and Otto of Brescia to resolve the dispute between Becket and King Henry.

¹⁰⁰ Unfortunately lost.

¹⁰¹ William of Pavia and Otto of Brescia. They arrived in Aquitaine in autumn 1167, visited Louis VII in October, and reached Caen (Normandy) at the beginning of November; they did not leave France until the middle of the following year: see Helene Tillmann, *Die päpstlichen Legaten in England* (Bonn, 1926), 57–62.

¹⁰² Probably *Post discessum* (*Materials*, vi, no. 307), issued on 7 May.

¹⁰³ Agent of Henry II.

by chance as he entered the French court, having been sent by the English king with Archdeacon Reginald,¹⁰⁴ I first refused to return the kiss of peace which he offered, asking publicly if he were excommunicated. But was it any wonder that he blushed and turned to laughter? At length, I discovered from the legates themselves when they were leaving, that even if they had received powers against you, which God forbid, they would carry out their intention of standing for you, readily and devotedly, as far as it should be lawful. As for the rest, send me back your wishes by the present bearer; I am prepared to obey you entirely in all things.¹⁰⁵

So explicit are the terms of this letter that it scarcely requires commentary. Not only is Master Humbert giving Becket advance reassurance about the contents of the legates' mandates, but he is indicating that he has used a powerful diplomatic lever on Becket's behalf, by invoking the authority of the king of France, who was Becket's principal secular supporter.

Humbert's position in Bourges was almost certainly part of Alexander III's strategic plan, not only to provide suitably for curialists who had lost their incomes as a result of the schism which had provoked his own flight from Rome and Italy, but also to place his own agents in influential positions. Bourges, the primatial see of Aquitania Prima, headed an ecclesiastical province with seven suffragans, which occupied a crucially important position in Henry's continental dominions. Its metropolitan, Peter de la Châtre (*or de Chastres*), who had governed the province for twenty years or more, from 1141/6,¹⁰⁶ was a very experienced pro-papal, pro-French archbishop, who had established close relations with the French king, despite Henry II's lordship of the duchy.¹⁰⁷ As one of Peter's archdeacons, Humbert was in an excellent position to use his considerable influence on Becket's behalf; and it may have been he who swayed Archbishop Peter in Becket's favour. Peter's pro-Becket sympathies were unmasked in early 1167, when one of his letters to the Pope was betrayed to Henry II's agents.¹⁰⁸ Humbert's influence was felt not only in Aquitaine

¹⁰⁴ Reginald FitzJocelin, archdeacon of Salisbury and son of Bishop Jocelin of Salisbury, also an emissary of Henry II: *Correspondence*, ii, 1385–86.

¹⁰⁵ *Ibid.*, i, 636–39 no. 137.

¹⁰⁶ *Gallia Christiana*, ii (Paris, 1720), 50–54.

¹⁰⁷ *Recueil des historiens des Gaules et de la France*, xv, 707, 708–10 nos. 12, 14–16.

¹⁰⁸ *Correspondence*, i, 578–79.

and the French court, however, but also through a network of friends. Among the known pupils whom he had taught at Bologna were Master Peter of Blois, Master Baldwin of Exeter (successively archdeacon of Totnes, abbot of Forde [Cistercian], bishop of Worcester, and archbishop of Canterbury), and Conrad of Wittelsbach, archbishop of Mainz and Cardinal bishop of Sabina.¹⁰⁹ So close was his association with Becket that Alan of Tewkesbury called him a 'former clerk of Archbishop Thomas'; and Herbert of Bosham regarded him as an honorary member of Becket's *familia*, listing him as one of the archbishop's *eruditi*.¹¹⁰ Although he had no official position in Becket's household, he was described as *fidelissimus uester*.¹¹¹

Lombard and Humbert certainly played important roles in maintaining Becket's international position; but an even more critical role was played by Master Gratian of Pisa, appointed with Master Vivian, archdeacon of Orvieto, to negotiate a settlement between Henry and the archbishop in 1169. Gratian was already a person of some standing. Although not yet a Cardinal—and he was not elevated until 1178—he was always addressed or referred to as *Dominus* ('lord', or 'Ser'). As a nephew of the Pisan Pope Eugenius III (1145–53),¹¹² he had been more-or-less brought up in the Curia, where he was known, cultivated, and respected, and he had been head of the papal chancery, as *datarius*, since March 1168.¹¹³ Although his earlier association with John of Salisbury and Baldwin, archdeacon of Totnes made it likely that he would be favourable to the Becket exiles, it was necessary to consolidate the relationship. In response to a message and gift from Gratian, Thomas made a formal request for admission to his friendship circle:

We nevertheless ask you most particularly, if it is agreeable to you, to have us—and indeed the church of Canterbury—as your friend¹¹⁴ in

¹⁰⁹ Peter of Blois, *Epistolae*, PL, 207, 429, 494.

¹¹⁰ *Materials*, iii, 528–29.

¹¹¹ In an anonymous letter written after 14 June 1170: *Correspondence*, ii, 1254–55.

¹¹² Formerly Bernard of Pisa.

¹¹³ Subdeacon and notary of the Roman church 1168–78, *datarius* 21 March 1168–28 April 1169 and 7 December 1169–7, February 1178, Cardinal deacon of SS. Cosma e Damiano 1178–1206: *JL*, ii, 146; Brixius, *Die Mitglieder*, 61, 141; see also at note 118 below.

¹¹⁴ On *amicitia* as a formal relationship, see Hans-Werner Goetz, "Beatus homo qui invenit amicum." The Concept of Friendship in Early Medieval Letters of the Anglo-Saxon Tradition on the Continent (Boniface, Alcuin)', in *Friendship in Medieval Europe*, ed. J. Haseldine (Stroud, 1999), 124–36, esp. p. 127.

the future, out of kindness, under what one might call a primacy of affection, and to bestow your patronage diligently upon us as the opportunity of time and place presents itself. . . .¹¹⁵

The sending of a gift, and a secret message carried orally by the bearer, suggests that Gratian was already favourably inclined towards the archbishop's cause. Certainly, John of Salisbury had thought so, when he had met Gratian and his colleague at Vézelay on 22 July.¹¹⁶ Gratian, in fact, was an old friend of John's: they had met at Ferentino in 1150–51, when Eugenius had appointed none other than Archdeacon Baldwin of Totnes as tutor (*institutor*) to the young Gratian.¹¹⁷ Baldwin, it will be remembered was a pupil of Humbert Crivelli at Bologna. By the late 1160s, Gratian of Pisa was subdeacon of the Roman Church (like Lombard) and papal notary, and clearly a man of substance and influence, with an excellent training in Roman and canon law.¹¹⁸ The canonist Bishop Stephen of Tournai later reminded Cardinal Gratian that they had heard the lectures of Bulgarus (one of the famous 'four doctors' of Roman law at Bologna).¹¹⁹ Gratian was a valuable capture. In the subsequent negotiations with Henry II, it was he who stood out against the king.¹²⁰ An anonymous correspondent, possibly Master Walter de Insula, who was a secret supporter of Becket at the royal court, described one exchange between a blustering King Henry and the self-assured Gratian:

Shortly before sunset, the king went out very angry, complaining bitterly that the Lord Pope had never listened to him in anything. And with some contempt, the king said: 'By God's eyes, I will do something about it.' And Gratian replied graciously, 'Do not threaten, my lord. We do not fear any threats, for we come from a court that is accustomed to command emperors and kings.'¹²¹

And it was he who refused the insertion of Henry's saving clause *salua dignitate regni mei* into the peace formula.¹²² The warmth of Becket's friendship was manifested in a letter written soon after these events:

¹¹⁵ *Correspondence*, ii, 936–39 no. 215, at 938–39.

¹¹⁶ John of Salisbury, *Letters*, ii, 650–51.

¹¹⁷ John of Salisbury, *Letters*, ii, 650–51, note 1.

¹¹⁸ Above, note 113.

¹¹⁹ *PL*, 211, 338 no. 38.

¹²⁰ *Correspondence*, ii, 978–89 nos. 227–28.

¹²¹ *Ibid.*, ii, 980–81.

¹²² *Ibid.*, ii, 986–87; see also 1002–03.

The Lord . . . is turning the delay of Master Vivian . . . to the glory of your name, establishing you as a god to Pharaoh. . . . Please promote our interests and the honour of the Church with diligence.¹²³

And Becket confirmed his high opinion of Gratian in a letter to the Pope:

I beg your clemency to listen to lord Gratian, your subdeacon, whose name we believe is derived from the fact that he strove like a son of grace to advance the Church's cause faithfully and prudently, with the utmost moderation and integrity. Hear from him, I repeat, how the king will crush the Church in our Western lands, unless by God's providence you come to our assistance very soon. . . .¹²⁴

Even after his return to the Curia, Thomas continued to regard Gratian as a special advocate, naming him, together with Hubald of Ostia and Master Lombard, as men specially to be trusted with confidential matters.¹²⁵ And it was as a most stalwart defender of the right that Becket wrote to him after the peace of Fréteval, assuring him of the enduring friendship of the church of Canterbury:

And since your strength protected the church of Canterbury in hard times, it is right and in accordance with simple justice that she should be subject to your patronage and will in good times. She will be yours indeed, to command whatever you please by prayer or mandate, for we—or rather, I should say, I and mine—intend to obey your commands.¹²⁶

This promise was followed by a request for a special favour:

Furthermore, please arrange that the more forceful and effective letters, sent by our lord the Pope to the English king on the Church's behalf, are recorded in the Register, because they will be a great encouragement to virtue for later generations, whenever they are inspired by example of their predecessors. We are sending you the letters touching our affairs which we received, so that if the registrars' copies are missing, you can replace them from the transcripts.¹²⁷

Gratian, of course, was head of the Chancery, and the only person, apart from the Pope himself, who had the authority to order such an action retrospectively. Unfortunately, Alexander III's registers are lost, and it is impossible to determine whether this request was successful or not.

¹²³ *Ibid.*, ii, 1066–69 (no. 245: after 18 November 1169).

¹²⁴ *Ibid.*, ii, 1006–13 (no. 234), at 1008–09. See also ii, 1044–45.

¹²⁵ *Ibid.*, ii, 1162–25 (mid-1170).

¹²⁶ *Ibid.*, ii, 1278–83 no. 301, at 1280–83.

¹²⁷ *Ibid.*, ii, 1282–83.

If Master Gratian of Pisa was already well-disposed towards English ecclesiastics before the controversy broke out, his colleague, Master Vivian, archdeacon of Orvieto,¹²⁸ seems to have been more ambivalent. Contemporaries emphasized Gratian's refusal to be browbeaten by Henry II, but they feared that Vivian might be tricked, enticed, or even bribed to give way to the king, especially after Gratian's withdrawal from the negotiations in early September 1169. It was alleged that Henry had offered an inducement of twenty marks.¹²⁹ Vivian may have been tempted, but in the end, he was so constrained by the example of the absent Gratian that he strove to establish his own good reputation in Becket's eyes. Where Becket had sought Gratian's friendship, Vivian sought Becket's in an extraordinary letter, written after 29 October 1169:

And we ask you to send us a courier or clerk as quickly as possible, through whom you may if you please reveal your desires to us, nor should you defer so much to Master Gratian that in our person you trample on the honour of your dearest friend and foremost defender in the Roman Church.¹³⁰

Becket still suspected him of double-dealing, and sent a stinging reproof in response to Vivian's involvement of one of the familiars of Cardinal William of Pavia:¹³¹

See therefore that you are prudently discreet and advance with caution, lest you become a laughing-stock and joke for the great . . . when you say that you have as colleague in this work Prester, chamberlain of the great and exalted Cardinal William, acting in his master's name, I am amazed as much at the presumption of this partner as I am at

¹²⁸ Master Vivian, archdeacon of Orvieto and from c. 1169 jurisconsult in the Curia, was later Cardinal deacon of S. Nicola in Carcere Tulliano (May–September 1175), Cardinal priest of S. Stefano in Monte Celio 1175–84: Brixius, *Die Mitglieder*, 66–67. His active career can be traced from c. 1140–44: Marlene Polock, 'Magister Vivianus, ein Kardinal Alexanders III. Prosopographische Anmerkungen', in *Papsttum, Kirche und Recht im Mittelalter. Festschrift für Horst Fuhrmann zum 65. Geburtstag*, ed. Hubert Mordek (Tübingen, 2001), 265–76. For the suggestion that Bishop Stephen of Meaux secured the appointment of Gratian and Vivian, see L. Falkenstein, 'Étienne de La Chapelle als Vertrauter Ludwigs VII. und Delegat Alexanders III', *AHP*, 26 (1988), 375–92, at 383.

¹²⁹ *Correspondence*, ii, 1052–53 (the statement in *ibid.*, note 13, that the king had offered Vivian 1000 marks is a slip. Henry had promised the money to pay the expenses of Becket's repatriation: see *Materials*, vii, 247). Vivian did later acquire a reputation for venality: see Polock, 'Magister Vivianus', 269.

¹³⁰ *Correspondence*, ii, 1022–23 no. 237.

¹³¹ *Ibid.*, ii, 1024–27 no. 239, at 1026–27.

the concern of the principal person in this matter. . . . may God ensure that you are not caught in the king's mouse-trap, which scarcely any of those who deal with him have been able to avoid.¹³²

Vivian did withstand the king's blandishments, however; yet even as he described Vivian's public avowal of Henry's duplicity in his report on the conference at Montmartre to Archbishop William of Sens, Becket expressed his doubts about the archdeacon's reliability:

When Master Vivian pressed him very insistently and assiduously to carry out the promise he had made, he demurred in his usual fashion, and revealed himself to Vivian in such a way that when Vivian returned to us, he openly said, with many people present, that he could not recall ever having seen or heard a man so mendacious. Yet in his very presence [. . .] he openly censured the king's duplicity, and for the greater part redeemed the reputation which he had earlier damaged, lamenting that he had been so taken in by his deceptions. We are reporting this to you, so that if he presumes to support the party of the deceiver or conceal his deceptions when he returns to the Roman Church, your affection may report the truth of the matter more candidly to the Lord Pope and Cardinals.¹³³

By the time the mission was over, however, and no concessions had been made to the king, Thomas was able to write a fulsome testimonial which Vivian took back with him to the papal court,¹³⁴ though, of course, its force would have been destroyed by the witness of William of Sens if Vivian had not stood by his criticisms of Henry II when he returned to the Pope's presence. Since there was no further recorded correspondence between Becket and Vivian, one suspects that no true friendship was established between them, despite Vivian's earlier protestations.

These letters show more than anything else the heavy responsibility carried by Alexander's envoys. They were placed in the position of negotiating with a powerful monarch; and, as relatively young men with long careers before them, they were open to persuasion and corruption. Vivian, indeed, may have been doing no more than trying to steal a march on—outflank—his better-connected Curial colleague. After all, how great would have been his standing in Rome

¹³² Ibid., ii, 1028–31 no. 240: 10–14 November 1169.

¹³³ Ibid., ii, 1044–55 no. 243, at 1046–49.

¹³⁴ Ibid., ii, 1070–71 no. 246: it concluded, 'we beg your majesty on our knees, to receive him with a father's love when he returns into the bosom of your paternal clemency'.

and England if he had managed, where many more distinguished than himself had failed, to reconcile Henry II and Thomas Becket? The papal court, no less than any other, was a place of intrigue and ambition. Its members were in competition with one another for office and promotion. But where Vivian may have seen an opportunity to distinguish himself as a papal diplomat, Becket saw the threat of capitulation to a clever and wily monarch.

Meanwhile, another member of the Vivian and Gratian embassy, Huguccio of Rome, emerged briefly into the limelight in September 1169 as a further voice for the defence. Although he is given no honorific title, it is evident that he was a man of some standing in the Curia. Becket instructed his own agents, Alexander and John, 'to stand up manfully with our friend Huguccio of Rome and with our other friends and your own, not only for us but also for the justice and peace of the Church', to oppose Henry II's latest envoys (Reginald FitzJocelin and Richard Barre).¹³⁵ This Huguccio was none other than Hugh Pierleoni,¹³⁶ member of an important Roman family and nephew of another Hugh Pierleoni, bishop of Piacenza from 1154/5, who had ended his career with a brief tenure of the bishopric of Tusculum from 18 March to 21 April 1166.¹³⁷ It is likely that he was already associated with the Curia, and he may have been in the entourage of Vivian and Gratian. There is no trace of his actions on Becket's behalf, but the royal embassy failed in its objectives to secure papal permission for some prelate other than Becket to crown Henry's heir and consecrate new bishops. After King Henry's reconciliation at Avranches, it was Huguccio who, then Cardinal deacon of S. Angelo, reached the important compromise with Henry II over the question of criminous clerks in 1175, which confirmed clerical immunity from the criminal jurisdiction of the crown which was to last until the Henrician legislation of the sixteenth century.¹³⁸

¹³⁵ Ibid., ii, 992–95 no. 230, at 992–93; see also 990–93 no. 229.

¹³⁶ He was subsequently Cardinal deacon of S. Angelo 1173–8 and Cardinal priest of S. Clemente 1178–82: Brixius, *Die Mitglieder*, 62, 121; Tillmann, 'Ricerche', 2/i, 369–70.

¹³⁷ This Hugh was a nephew of the anti-Pope Anacletus II, but he had supported Alexander III against the imperial anti-pope in 1159, and suffered the consequences: Tillmann, 'Ricerche', 2/ii, 369.

¹³⁸ *Radulphi de Diceto decani Lundoniensis opera historica*, ed. W. Stubbs, 2 vols, RS 68/i–ii (London, 1876), i, 402; see also *Gesta regis Henrici secundi Benedicti abbatis* (the first draft of Roger of Howden's *Chronica*), ed. W. Stubbs, 2 vols, RS 49 (London,

These 'lesser' curial friends and contacts, then, were no less important than the Cardinals; and all five were destined to join their seniors in the Sacred College within the next decade: Lombard in December 1170; Huguccio in 1173; Vivian in 1175; Gratian in 1178; and Humbert in 1182. The willing and enthusiastic service which these upwardly mobile Italian clerks gave to Becket demonstrates his ability, not generally recognized, to attract the respect and loyalty of the new intellectual élite of the Roman Church. That friendship, in fact, persisted. Long after Becket's death, when the monks of Canterbury were locked in a desperate struggle with Archbishop Baldwin, who was seeking to establish a college of secular canons, first at Hackington (1186–91) and then at Lambeth (1186–1190), they were able to call on the support of three surviving members of Becket's Italian network—Gratian, Hyacinth, and Humbert;¹³⁹ and they drew in at least one further luminary, Paul Scolari, Cardinal bishop of Palestrina (1181–87), who succeeded the unhelpful Albert (Gregory VIII) as Clement III (1187–91) in December 1187.¹⁴⁰ Like others gathered around the altar at Segni in February 1172—Cardinals (including two future Popes),¹⁴¹ bishops, and Alexander III himself—these men could have echoed the words of Robert, an English canon regular from St Frideswide's in Oxford, 'we have seen and known him, and many of us were his friends.'¹⁴²

1867), i, 104; Giraldus Cambrensis, *Opera*, ed. J.S. Brewer, J.F. Dimock, and G.F. Warner, 8 vols, RS 21 (London, 1861–91), v, 376; viii, 159.

¹³⁹ *Epistolae Cantuarienses. The Letters of the Prior and Convent of Christ Church Canterbury from A.D. 1187 to A.D. 1199*, ed. W. Stubbs, *Chronicles and Memorials of the Reign of Richard I*, 2 vols, RS 38 (London, 1865), ii, 45, 68, 182–83, 277, 280 (Gratian); 46, 68, 183–84 (Hyacinth); 138 (Humbert). The exception was Cardinal Albert (Gregory VIII), an admirer of Baldwin, who rescinded Lucius III (Humbert)'s mandates: *ibid.*, lvii, 108.

¹⁴⁰ Brixius, *Die Mithlieder*, 65, 124 n. 167; see also Victor Saxer, *Sainte-Marie Majeure: une basilique de Rome dans l'histoire de la ville et de son église, V^e–XIII^e siècle*, Collection de l'École Française de Rome, 283 (Rome, 2001), 228, 230; *Epistolae Cantuarienses*, esp. 137, 178, 195.

¹⁴¹ Gregory VIII (Albert) and Lucius III (Hubald of Lucca); a third, Hyacinth, the future Celestine III was in Portugal, where he presented one of Becket's letters to the monastery of S. Mamede de Lervão (OSB): see Anne J. Duggan, 'Aspects of Anglo-Portuguese Relations in the twelfth century. Manuscripts, Relics, Decretals and the Cult of St Thomas Becket at Lervão, Alcobaca and Tomar', *Portuguese Studies*, 14 (1998), 1–19, at 4, 6.

¹⁴² Homilies on Ezechiel, vi (Hereford, Cathedral Library, MS O.III.10, fo. 91ra: '... Veniamus ad beatissimum pontificem et martyrem Thomam, quem vidimus, quem cognovimus cuius familiares plerique sumus...'), quoted in Beryl Smalley, *The Becket Conflict and the Schools* (Oxford, 1973), 199 note 44.

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PART THREE

ROME

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THE *ROMANA FRATERNITAS* AND URBAN PROCESSIONS AT ROME IN THE TWELFTH AND THIRTEENTH CENTURIES

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In 1212 Pope Innocent III (1198–1216) issued the *Supplicatio generalis* prescribing a great procession to be held in Rome on the Wednesday of the week of Pentecost (16 May) for the peace of the Church and for the defeat of the Saracens in Spain.¹ The call to solemn observance, which survives as part of Innocent's Register, provides a rare glimpse of the practical arrangements for popular urban processions, information missing from the papal *ordines*² where the focus of interest is almost exclusively the pope and his cortège.³ The document also sheds light on the ceremonial activities of a little known clerical organisation, the *Romana Fraternitas*, and its governing body of rectors.⁴

¹ The *Romana Fraternitas* was first brought to my attention by Brenda Bolton while I was studying for a Masters degree at Westfield College. Since then she has supervised my doctoral thesis, and now remains a friend. I am delighted to dedicate this paper to her. *Supplicatio generalis*, *Reg. Inn.* xv, *PL*, 216, cols 698–9. For the context of the crusading effort in Spain, see J.F. O'Callaghan, 'Innocent III and the Kingdoms of Castile and Leon' in *Pope Innocent III and his World*, ed. J.C. Moore (Aldershot, 1999) 317–35.

² Three twelfth-century books of ceremonial provide details of the papal processional activity on major feast days: Cencius, *Liber censuum* (c. 1192), in *Le Liber Censuum*, i: Albinus, *Digesta pauperis scholaris* (c. 1189), *ibid.*, ii, 86–137; Canon Benedict of St Peter's, *Liber politicus* (c. 1140) *ibid.*, ii, 141–77. For a discussion of these texts see S. Twyman, *Papal Ceremonial at Rome in the Twelfth Century* (London, 2002) 23–31; B. Schimmelpfennig, 'Die Bedeutung Roms im päpstlichen Zeremoniell' in *Rom im hohen Mittelalter. Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert: Reinhard Elze zur Vollendung seines siebenzigsten Lebensjahres gewidmet*, ed. B. Schimmelpfennig and L. Schmugge (Sigmaringen, 1992) 47–61.

³ For the distinction between personage-centred processions and popular processions, see J.F. Baldovin, *The Urban Character of Christian Worship*, *Orientalia Christiana Analecta* 228 (Rome, 1987) 234–5.

⁴ The fragmentary documentation relating to the *Romana Fraternitas* was first examined by P. Moretti in his study of the *presbyterium: Ritus dandi presbyterium* (Rome, 1741). The papal documents of the twelfth century relating to the organisation have been published by Paul Kehr, *Italia Pontificia*, 1, 8–14. See also T. di Carpegna Falconieri, *Il clero di Roma nel medioevo* (Rome, 2002); A. Ilari, 'La Romana Fraternitas al tempo di Papa Giovanni XXII', *Bollettino del clero romano* 40 (1959) 423–30; G. Ferri,

From the second half of the twelfth until the fourteenth century, the *Romana Fraternitas* was an organisation of great importance at Rome, dominating the life of the municipal clergy. Its powers were concentrated in the governing body of rectors which, by the fourteenth century, numbered twelve. A document drawn up by the *Romana Fraternitas* in the early fourteenth century lists the churches of Rome falling under the rectors' jurisdiction. The churches, numbering 414, were divided into three groups according to their location in the city, each group being controlled by four rectors.⁵ The rectors were responsible for protecting the interests of members in all matters, but they were also invested by papal authority with certain powers, acting as arbitrators in disputes between the churches of the city, executing papal rulings concerning the clergy, and taking charge of clerical discipline. In 1159 the rectors were involved in the disputed election of Alexander III (1159–83),⁶ and while it cannot be proven, it seems likely that, by this stage, they were representing the interests of the rank and file clergy in papal elections.

The pontificate of Innocent III may well have witnessed a vital phase in the growth of the rectors' responsibilities. A set of rubrics for the burial of the clergy by the *Romana Fraternitas* appears in a pontifical compiled during Innocent's reign.⁷ In the thirteenth century, the fraternity came to dominate the provision of both lay and clerical funerals at Rome,⁸ and the *ordo* provides what appears to be the earliest evidence that the lucrative activity of burial was being

'La Romana Fraternitas', *ASRSP*, 36 (1903) 453–66; M. Armellini, *Le chiese di Roma del secolo iv al xix* (2nd edn., Rome, 1942) 33–55.

⁵ The document, known as the Catalogue of Turin, has been edited by R. Valentini and G. Zucchetti, *Codice topografico della città di Roma*, 4 vols, FSI (Rome, 1940–53), 3 (1946) 291–318. See Ilari, 'La Romana Fraternitas', 427–9; G. Falco, 'Il catalogo di Torino delle chiese degli ospedali, dei monasteri di Roma nel secolo xiv', *ASRSP*, 32 (1909) 411–25.

⁶ John of Salisbury, Letter 124, *The Letters of John of Salisbury*, 2 vols, *The Early Letters (1153–1161)*, ed. W.J. Millor and H.E. Butler, revised by C.N.L. Brooke (London, 1955) i, 204–15.

⁷ M. Andrieu, *Le Pontifical romain au moyen-âge*, 3 vols (Vatican City, 1938–42) ii, *Ordo LII*, 503–13. The rubrics themselves, however, may be of a slightly earlier date, see di Carpegna Falconieri, *Il clero di Roma*, 252.

⁸ Armellini devoted much of his examination of the *Romana Fraternitas* to the burial activities of the society, and came to the conclusion that the fraternity originated as a priestly society devoted to procuring dignified funerals for its members: *Le chiese di Roma*, 33–55.

carried out with papal sanction. At the same time evidence emerges of the rectors' function of disciplining the clergy and selecting candidates for ecclesiastical office. In 1208, writing from Sora, Innocent responded to the rectors' queries concerning clerical morality.⁹ The pope offered guidance on the matter but seemed vexed by the trivial nature of their questions.¹⁰ Nevertheless, Innocent was sufficiently impressed with the rectors' work to make a generous gift to their church.¹¹ The gift list found in the *Gesta Innocentii PP III* records that the pope, who had performed the consecration of an altar to the Virgin, presented a cope, two altar cloths of the fashionable 'German' work, and a silk cloth decorated with gold stars.¹²

Confirmation of the existence of the *Romana Fraternitas* comes in a little-known *placitum* of Honorius II (1124–30) dated 1127.¹³ In order to settle once and for all a bitter and protracted dispute between the clergy of the basilicas of SS. Apostoli and S. Marco, the pope called upon the rectors of the fraternity. The rectors were charged with the task of deciding which of the two churches held the right to 'the dignity of the cross'. The cardinal priests, Boniface of S. Marco and Gregory of SS. Apostoli,¹⁴ were called before the tribunal to present their case. An ancient papal privilege was read aloud conferring upon the basilica the status of 'head and seat of the major fraternity'.¹⁵ The privilege listed the seven churches of the *Valle* (the district centred on the Via Lata): S. Marcello, S. Marco, S. Maria in Aquiro, S. Apollinaris, S. Maria in Via Lata, S. Lorenzo in Lucina and S. Trifone. At their head and 'decorated with the dignity of the cross' since the pontificate of Benedict IX (1032–44; 1045; 1047–48)

⁹ *Inn. Reg.* xi, *PL*, 215, cols 1463–4, no 146.

¹⁰ *Ibid.*

¹¹ The title of the church is not recorded, but see below, n. 34.

¹² *PL* 214, col. ccx. On the gift list, see Brenda Bolton '*Qui fidelis est in minimo*: the importance of Innocent III's gift list' in *Pope Innocent III and his World*, 113–40, esp. 115. On the *Gesta Innocentii*, see the same author's 'Too Important to Neglect: the *Gesta Innocentii PP III*' in *Church and Chronicle in the Middle Ages. Essays presented to John Taylor*, ed. G.A. Loud and I.N. Wood (London, 1991) 87–99, reprinted in Bolton, *Innocent III*, IV. See also *The Deeds of Pope Innocent III by an Anonymous Author*, trans. James M. Powell (Washington, 2004).

¹³ Ed. F. Liverani, *Delle Opera*, 5 vols (Orvieto, Macerata, 1858–59) iv, cxxiii, 258–64.

¹⁴ Gregorio Conti, cardinal priest of SS. Apostoli, was elected anti-pope as Victor IV in March 1138. Two months later he stepped down in favour of Innocent II (1130–43).

¹⁵ Ed. Liverani, iv, cxxiii, 259.

was the basilica of SS. Apostoli. This dignity, it was claimed, had been held peacefully until the time of Gregory VII (1073–85), at which point the clergy of S. Marco had contested the matter.¹⁶ As no decision could be reached, Honorius II postponed pronouncing until 1 March. On this day the tribunal met again, but as there was still no agreement between the parties, the rectors decided in favour of SS. Apostoli. The pope approved the verdict and imposed a ban of perpetual silence on the matter. But the clergy of S. Marco did not stop appealing, and so a new tribunal was held at the Lateran on 22 March during which the pope ordered the clergy of S. Marco to accept once and for all the decision of the rectors.¹⁷

The details provided by the *placitum* are tantalising. We learn that the *Romana Fraternitas* was well-established by the 1030s, but nothing is said of its origins.¹⁸ The organisation is referred to as the ‘major fraternity’, suggesting that, at this stage, it was the largest or most important of a number of such clerical societies at Rome. Moreover, throughout the lengthy discourse outlining the dispute over the ‘dignity of the cross’, no explanatory word is offered to illuminate the nature of this privilege.¹⁹ Fortunately, three thirteenth-century documents shed some light on this matter; two are letters of Alexander IV (1254–61) ruling on another clerical dispute involving the *Romana Fraternitas*,²⁰ the third is Innocent III’s *Supplicatio generalis*.

In addressing the Romans, Innocent indicated how the occasion of 16 May was to be observed.²¹ Early in the morning, all the citizens, clergy and laity alike, were to go in procession to the *campus Lateranensis*²²—the public space in front of the Lateran palace—where the pope would preach a sermon. Organised according to sex and state, each group was to assemble at an appointed location and take a

¹⁶ Ibid., 260.

¹⁷ Ibid., 261–2.

¹⁸ Several scholars have linked the *Romana Fraternitas* with a series of tenth-century inscriptions found in Roman churches recording the existence of a college of priests, see di Carpegna Falconieri, *Il clero di Rome*, 242, n. 130.

¹⁹ It is assumed by di Carpegna Falconieri that the ‘dignity of the cross’ was the privilege of leading the procession: *Il clero di Roma*, 251–2. This may well be the case, but it is nowhere stated in the *placitum* of 1127.

²⁰ Both letters have been edited by Moretti, *Ritus dandi presbyterium*, 135–9. For the letter to the *fraternitas*, see also *Reg. Alex. IV*, no. 2180.

²¹ *Supplicatio generalis*, col. 698.

²² On the *campus Lateranensis*, see I. Herklotz, ‘Der *Campus Lateranensis* im Mittelalter’, *Römisches Jahrbuch für Kunstgeschichte*, 22 (1985), 3–43.

different route through the city. The women were to gather at S. Maria Maggiore and process behind the Sunday cross of this church, with the nuns leading the way, followed by the laywomen. They were to move along the Via Merulana,²³ past the church of S. Bartolomeo, and congregate in the area of the Lateran *campus* close to the *Fellonia*, a passage near the main entrance of the Lateran palace.²⁴ The men were to meet at the basilica of S. Anastasia and move off behind the Sunday cross of St Peter's, the Hospitallers going first and then the laymen.²⁵ They were to pass by the basilicas of SS. Giovanni e Paolo and S. Nicola de Formis²⁶ before entering the *campus* and assembling on the opposite side from the women. Finally, the clergy of the city were to gather at SS. Apostoli. They were to move off behind the cross of the Fraternity, led by the monks and canons regular, and, behind them, the rectors and the rest of the clergy. They were to process down the Via Maggiore, past the palace of the cardinal bishop of Albano, and assemble in the middle of the Lateran *campus*.²⁷

As the *Supplicatio generalis* indicates, each group moved in procession behind a cross. Crosses held aloft as a form of standard were a ubiquitous feature of liturgical processions at Rome, and are referred to in the Roman *ordines* for the annual feasts dating back to the eighth century.²⁸ From an early stage Rome had been divided into seven ecclesiastical regions, and with the introduction of the stational system of worship, each region was equipped with its own cross behind which the citizens processed to the appointed station.²⁹ Like other types of standard, the cross identified the group or individual

²³ On Easter Sunday the papal cortège halted on the Via Merulana on its way to the stational church of S. Maria Maggiore while an announcement was made informing the pope of the number of paschal baptisms performed at the basilica on the previous night. See Benedict, *Liber politicus*, 152.

²⁴ See *Liber politicus*, 153.

²⁵ *Supplicatio generalis*, col. 698.

²⁶ S. Nicola de Formis, a small church situated on the Coelian Hill, marked an established parish boundary; see a letter of Innocent III dated 12 Dec. 1210, *Reg. Inn.* xiii, *PL*, 216, col. 367 no. 197. The basilica may well have been prominent in Innocent's mind, for on 25 May 1212, a few days after the publication of the *Supplicatio generalis*, he issued a bull confirming it as a possession of the monastery of S. Paolo fuori-le-mura, *Reg. Inn.* xv, *PL*, 216, cols 600–1, no. 81.

²⁷ *Supplicatio generalis*, cols 698–9.

²⁸ See Twyman, *Papal Ceremonial at Rome*, 74–7.

²⁹ See L. Duchesne, 'Les Régions de Rome au moyen-âge', *Mélanges d'Archéologie et d'histoire de l'École française de Rome*, 10 (1890) 126–49.

(the pope had his own cross)³⁰ it preceded. Presumably it provided a rallying point when large numbers were involved. It is clear from the *Supplicatio generalis* that the *Romana Fraternitas* had its own cross, which led the procession of the urban clergy. In May 1212 the clergy assembled, and the cross procession began, at SS. Apostoli, the same basilica described in the *placitum* of Honorius II as the holder of the contested privilege of the 'dignity of the cross'.

Whether or not SS. Apostoli had retained its eleventh-century privileges associated with the cross procession, it would seem that by the end of the twelfth century it had lost its previous status as 'head and seat of the fraternity'. In a bull of Urban III (1185–87) dated 14 February 1186, the basilica of S. Tommaso *in capite molarum* is referred to as *caput Romanae Fraternitatis*.³¹ A church of S. Tommaso 'of the Fraternity' appears twice in Cencius's book of ceremonial compiled shortly after 1192.³² S. Tommaso was located in the Tiber bend, a heavily populated region of Rome which witnessed a surge in the foundation of churches and chapels in the second half of the twelfth century. During this period it appears to have been known by two names, S. Tommaso *in capite molarum*, due to its proximity to the river mills, and S. Tommaso *de Cenci* on account of its location adjacent to the Cenci family stronghold.³³ The supplanting of SS. Apostoli by S. Tommaso as *caput Romanae Fraternitatis* may well reflect the growing responsibilities of the rectors, and the consequent need for business headquarters separate from the fraternity's congregational centre.³⁴ Nevertheless, it appears that SS. Apostoli largely retained the latter function. During the struggle of Boniface VIII (1294–1303) with the Colonna family, the rectors of the *Romana Fraternitas* were charged with the duty of making public the sentence of excommunication against the rebellious clan.³⁵ A papal letter to the rectors

³⁰ See *Liber censuum*, 307–8, where the 'daily' cross of the pope is mentioned.

³¹ The original bull is lost but it has been published in full by A. Fonseca, *De Basilica s. Laurentii in Damaso libri tres* (Fano, 1745) 250–53. See R. Krautheimer, *Rome. Profile of a City, 312–1308* (Princeton, 1980) 271–72.

³² *Liber censuum*, 302 and 309.

³³ See Armellini, *Le chiese di Roma*, 702–3.

³⁴ It seems likely that it was the church of S. Tommaso that was in receipt of the gifts made by Innocent III, see above p. 207. SS. Apostoli is mentioned elsewhere in Innocent's gift-list as receiving 30 pounds for unspecified building work, *PL* 214, col. ccx.

³⁵ G. Digard, *Les registres de Boniface VIII*, 2 vols (Paris, 1904) ii, 585, n. 3411.

indicates that the clergy of the city were to gather at either SS. Apostoli or S. Lorenzo in Damaso for the pronouncing of sentence.³⁶

Almost 150 years after Honorius II had sought to end the conflict between the basilicas of SS. Apostoli and S. Marco, Alexander IV intervened in another dispute associated with the cross procession. In two letters, one addressed to the chapter of St Peter's and the other to the *Romana Fraternitas* and the clergy of the city, the pope chastised both parties for their unseemly squabbling over the carrying of the banners and the ensigns of the cross in procession to the basilica of St Peter's 'as is customary on the feast of St Mark'.³⁷ Moreover, conflict had arisen over the payment, 'which in common speech is called the *presbyterium*', made to the churches, monasteries and chapels which took part in the procession.³⁸ The *presbyterium* was the payment distributed on certain feast days to those who participated in the ceremonial. On most occasions this payment was made from the papal purse, but on the feast of St Mark (observed on 25 April, in conjunction with the Major Litany), when the stational mass was at St Peter's, it was drawn from the oblations made at the high altar of the Petrine basilica, and the pope himself was amongst the recipients.³⁹ The two letters of Alexander IV confirm that the privilege of the 'dignity of the cross' referred to in Honorius II's *placitum* was related to the carrying of the processional crosses during certain liturgical events. But the letters offer little insight into the exact nature of the dispute, nor, indeed, do they explain the controversy that had arisen over the payment of the *presbyterium*. It is possible, however, to shed some light on these matters by close examination of the Major Litany and the activities of the *Romana Fraternitas* and the clergy of St Peter's during its observance.

The earliest known reference to the Major Litany appears in a document of Gregory I (590–604).⁴⁰ Gregory, who hints that the feast was already well-established,⁴¹ summoned the Romans to implore heavenly favour by processing from S. Lorenzo in Lucina to St

³⁶ Ibid.

³⁷ Moretti, *Ritus dandi presbyterium*, 135.

³⁸ Ibid.

³⁹ *Liber censuum*, 308.

⁴⁰ Gregory I, *Registrum Epistularum*, ed. Dag Norberg (Turnhout, 1982) App. 4, CCSL, 140A, 1096.

⁴¹ Ibid., 1096: . . . *laetaniam quae maior ab omnibus appellatur* . . .

Peter's where mass would be celebrated. It has been widely assumed that the Major Litany was a Christian adaptation of the pagan festival of Robigalia, when the Romans processed through the fields invoking divine protection of the crops.⁴² The Robigalia rites were observed on 25 April, but at present it is impossible to assert definitively that, from its origins, the Major Litany was attached to the same date.⁴³ Gregory I's abovementioned notice is undated, and is presently entered in his Register at the head of letters of September of the tenth *indiction* (September 591–September 592).⁴⁴ Also unproven is the claim that the Major Litany procession imitated the route of the Robigalia, which left Rome along the Via Flaminia, crossed the Milvian Bridge and went to the temple of Robigo at the fifth mile on the Via Claudia. The so-called Gregorian Sacramentary, linked to the pontificate of Adrian I (772–95),⁴⁵ is the earliest source not only to define the date of the Major Litany as 25 April, but also to offer detailed evidence of the processional route.⁴⁶ The sacramentary, which confirms the poles of the procession as S. Lorenzo in Lucina and St Peter's, provides prayers for stops along the way at S. Valentino, the Milvian Bridge, a location referred to as '*ad crucem*', and in the atrium of St Peter's.⁴⁷

In 799 Leo III (795–816) was abducted and assaulted by his enemies during the Major Litany.⁴⁸ The report in the *Liber Pontificalis* indicates that, at this time, S. Lorenzo in Lucina was still the assembly point for the procession.⁴⁹ But by the twelfth century this was no longer the case. The *ordo* compiled c. 1140 by Canon Benedict indicates that the collect was now the basilica of S. Marco, located closer to the centre of Rome between the Capitoline Hill and the Circus Flaminius.⁵⁰ It seems likely that the change reflects a desire

⁴² See Schimmelpfennig, 'Die Bedeutung Roms', 52.

⁴³ See H. Leclercq, 'Marc (procession de saint)', *Dictionnaire d'archéologie chrétienne et de liturgie*, ed. F. Cabrol and H.M. Leclercq, 15 vols (Paris, 1907–53) x, cols 1740–1.

⁴⁴ See also JL, n. 1153 where the document is assigned to 27 September 591.

⁴⁵ See C. Vogel, *Medieval Liturgy. An Introduction to the Sources*, rev. and trans. W. Storey and N.K. Rasmussen (Washington, 1986) 80.

⁴⁶ J. Deshusses, ed., *Le Sacramentaire Grégorien*, 2 vols, *Spicilegium Friburgense* 16, 24 (Fribourg, 1971, 1979) i, 211–2.

⁴⁷ *Ibid.*

⁴⁸ *LP*, ii, 4.

⁴⁹ *Ibid.*

⁵⁰ In January 1130, Peter Pierleone, cardinal priest of S. Maria in Trastevere,

to give greater prominence to the feast of St Mark, also observed on 25 April. While the *placitum* of 1127 nowhere mentions the Major Litany, there can be little doubt that the challenge by the clergy of S. Marco for the 'dignity of the cross' was related to the importance of this basilica during the observance. Indeed, it is not impossible that the dispute sheds light on the date of the transfer of the collect from S. Lorenzo in Lucina. The *placitum* states that it was during the pontificate of Gregory VII that the clergy of S. Marco had first contested the privilege. In the same pontificate another important stationary observance had been altered with the transfer of the third mass of the Feast of the Nativity from St Peter's to S. Maria Maggiore.⁵¹

Three liturgical documents provide detailed rubrics for the Major Litany as observed in the twelfth century: the *ordines* compiled by Canon Benedict⁵² and Cencius (c. 1192),⁵³ and the office book of the Lateran basilica written c. 1145 by Prior Bernard.⁵⁴ Benedict begins his account by noting that 'In the Major Litany all the crosses of the city of Rome should go in procession with the clergy and people to S. Marco'.⁵⁵ This statement is of some significance because it reveals the unique nature of the observance. The Major Litany may well have been the only occasion in the Roman calendar when the entire city was called upon to assemble as one for solemn prayer. The stress on unity of worship was due to the pronounced propitiatory character of the occasion. There were many feast days at Rome with a solemn penitential theme, but on 25 April the Romans traditionally assembled with the purpose of beseeching Divine protection for Christendom, and in particular, for themselves and their City. Petrus Mallius, a canon of St Peter's writing during the pontificate of Alexander III (1159–83), noted that during the Major Litany

was elected pope at S. Marco with the name of Anacletus II (anti-pope 1130–38). One report describing the election refers to the basilica as being *quasi umbilicus Urbis*: J.M. Waterich, *Pontificum Romanorum Vitae*, 2 vols (Leipzig, 1862) ii, 186.

⁵¹ Petrus Mallius, *Descriptio*, c. 61, 439–40. Peter gives as the reason for the change, *via brevis est, et dies parvi sunt*. Schimmelpfennig argues that the route of the Major Litany procession was most likely changed in the tenth century: 'Die Bedeutung Roms', 51–3.

⁵² *Liber politicus*, 155–6.

⁵³ *Liber censuum*, 307–9.

⁵⁴ *Ordo officiorum ecclesiae Lateranensis*, ed. L. Fischer, *Historische Forschungen und Quellen* 2–3 (Munich/Freising, 1916) 94–8.

⁵⁵ *Liber politicus*, 155.

crosses were carried in procession, 'together with the relics of the saints and other tokens to ward off invisible enemies'.⁵⁶

The original stations demonstrate the need to direct special supplications to the saintly protectors of the City. While the Petrine basilica was the obvious location for mass, the choice of S. Lorenzo in Lucina as the assembly point for the procession reflects the importance at Rome of the late antique cult of Lawrence, martyr and, according to legend, archdeacon of the Roman Church.⁵⁷ Even with the transfer of the collect from S. Lorenzo in Lucina to S. Marco, it appears that a memory of Lawrence's association with the Major Litany was retained in the ritual. While the urban clergy and the citizens were assembling at S. Marco, the clergy of the patriarchal basilicas, bearing their crosses, joined the pope and the curia at the Lateran basilica. It was from here that the papal procession made its way, led, according to Cencius's late twelfth-century rubrics, by the cross of S. Lorenzo fuori-le-mura.⁵⁸

The detailed accounts in the *ordines* of the preparations at the Lateran reveal that the cross procession of the patriarchal basilicas was arranged according to a hierarchy, and, moreover, that this arrangement changed over time. Benedict records that a regional subdeacon raised the stational cross from the Lateran high altar.⁵⁹ He carried it flat in his arms for each member of the procession to kiss and at the doors of the basilica he raised it aloft. This cross appears to be the cross of the pope, and in Benedict's time it led the procession to S. Marco. Benedict goes on to provide the order for the chanting of the antiphony. If, as seems likely, this order corresponds with the processional arrangement of the patriarchal churches then the pope and the palace clergy were followed by the canons of the Lateran, then S. Maria Maggiore, and then St Peter's.⁶⁰ There is no mention here of S. Lorenzo fuori-le-mura, while S. Paolo fuori-le-mura appears in none of the sources.

⁵⁶ Peter Mallius, *Descriptio*, c. 40, 423. According to Cencius's rubrics for the Major Litany, the clergy of S. Theodore received extra payment for displaying the lance of this eastern saint during the procession: *Liber censuum*, 309.

⁵⁷ The cult of S. Lorenzo and the association of this saint with the Major Litany is the subject of research by Melanie Vasilescu, and I have gained much from our discussions on the matter.

⁵⁸ *Liber censuum*, 307.

⁵⁹ *Liber politicus*, 156.

⁶⁰ *Ibid.*

The office book of the Lateran basilica compiled by Prior Bernard indicates a significant development.⁶¹ It is now the canons of St Peter's that lead the procession, but only, notes Bernard, 'if they are present'.⁶² Indeed, by the end of the twelfth century, the canons of St Peter's no longer participated in the procession from the Lateran to S. Marco. According to Cencius, it was the cross of S. Lorenzo fuori-le-mura that led the way, followed by the cross of S. Maria Maggiore, then the cross of the Lateran basilica and, finally, the daily cross of the pope.⁶³ The canons of St Peter's joined the procession at Parrione (close to the basilica of S. Marco), and, with their cross, they took up a position behind the cross of S. Lorenzo fuori-le-mura and before that of S. Maria Maggiore.⁶⁴

Petrus Mallius, himself a canon of St Peter's, recorded the prerogatives of his church during the Major Litany.⁶⁵ Describing the ritual at the Petrine basilica, he notes that St Peter's took precedence when the banners moved through the nave of the church. For, 'just as at Easter, [. . .], so in this general procession, the basilica of St Peter should be the leader and guide of others'.⁶⁶ Early in the thirteenth century, Gerald of Wales alluded to the same prerogative in his *Speculum Ecclesiae*, using it as an example of what he saw as the canons' tendency to become embroiled in controversy.⁶⁷ Gerald, who evidently had a taste for intrigue and gossip, claims that the clergy of St Peter's were constantly stirring up trouble and 'labouring in every possible way to place their basilica first'.⁶⁸ There can be little doubt that it was the hierarchical arrangement of the patriarchal churches observed during the cross procession in the Major Litany that was the cause of the long-running dispute which Alexander IV attempted to resolve. At the same time, it would seem, another dispute was raging. This concerned the distribution of the *presbyterium* to the churches of the City for their participation in the cross procession.

⁶¹ *Ordo Lateranensis*, 95.

⁶² *Ibid.*

⁶³ *Liber censuum*, 307.

⁶⁴ *Ibid.*

⁶⁵ *Descriptio basilicae Vaticanae*, c. 40, 423.

⁶⁶ *Ibid.*

⁶⁷ *Speculum Ecclesiae*, Giraldus Cambrensis, *Opera*, ed. J.S. Brewer, J.F. Dimock and G.F. Warner, 8 vols, RS 21 (London, 1861–91) iv (1873) *Distinctio IV*, 270.

⁶⁸ *Ibid.*

It is clear that considerable importance was attached to the payment of the *presbyterium* during the Major Litany, for it is discussed at length by Canon Benedict and by Albinus (who, oddly, provides no rubrics for the liturgy itself),⁶⁹ while Cencius, who as papal chamberlain had a particular interest in the matter, includes a lengthy list of the recipients.⁷⁰ Amongst those appearing on Cencius' list are the rectors of the *Romana Fraternitas*, not it would seem for their participation in the cross procession, but because they themselves were involved in distributing the *presbyterium*.⁷¹ Cencius records that early on the morning of 25 April a subdeacon and an acolyte (presumably from the papal palace) travelled to St Peter's. Their duty was to join with one of the *scriniarii* in recording the titles of all the churches that processed to the Petrine basilica with their crosses.⁷² It was the function of the chamberlain to distribute the sum of twenty-five pounds, drawn from the offerings at the high altar, amongst the churches in attendance. But if he so wished, the chamberlain could delegate this job to the prior of the chapter of St Peter's and the rectors of the city.⁷³ Further on, Cencius adds that, in recent times, the rectors had usurped the duty of dispensing the *presbyterium*.⁷⁴ A letter dated 3 July 1212 supplies additional evidence of the rectors' role in relation to this payment. Here, the rectors expressed gratitude to the canons of S. Maria Maggiore for their (unspecified) efforts during the Major Litany and confirmed that the *presbyterium* of eight *solidi* would be paid to the chapter.⁷⁵

It would appear that in relinquishing control of the distribution of the *presbyterium* during the Major Litany, the papal chamberlain had initiated a struggle between the chapter of St Peter's and the rectors of the *Romana Fraternitas* that would continue for decades. The former presumably claimed the right on the basis that the funds were drawn from the offerings at the altar of the Petrine basilica, while the latter, as the letter to the canons of S. Maria Maggiore suggests, were responsible for mobilising the urban clergy for the ritual.

⁶⁹ Albinus, *Digesta pauperis scholaris* X, 108.

⁷⁰ *Liber censuum*, 309–10.

⁷¹ *Ibid.*, 310.

⁷² Cencius incorporates a list of the churches and the amount each was to receive: *ibid.*, 309.

⁷³ *Ibid.*

⁷⁴ *Ibid.*, 310.

⁷⁵ The letter has been edited by G. Ferri: 'La carta dell'archivio Liberiano dal secolo X al XV', *ASRSP* 28 (1905) 23–39.

In his seminal article on the *Romana Fraternitas*, Ferri listed the direction of religious processions at Rome as one of the major functions of the society, but offered little evidence as a basis for his assertion.⁷⁶ More recently, di Carpegna Falconieri, in his study of the medieval Roman clergy, claimed that the fraternity had 'partial control of the system of stational worship'.⁷⁷ But having indicated, like Ferri, a broad responsibility in relation to the organisation of processions, he adduces evidence of only one observance—the Major Litany. In fact, there is nothing in the sources to suggest that the *Romana Fraternitas* had any general part to play in the annual round of processions which made up the stational liturgy. As it currently stands, the evidence links the society with only two liturgical processions—the annual observance of the Major Litany and, unobserved by Ferri and di Carpegna Falconieri, the extra-ordinary procession prescribed by Innocent III in 1212. Given the general paucity of evidence concerning the *Romana Fraternitas* it cannot be ruled out that the fraternity as a corporate body and its rectors had a part to play in other urban processions, but the very nature of these two occasions suggests that this is not a case of arbitrary survival.

In issuing the *Supplicatio generalis* to beseech Divine favour for the crusading effort in Spain and for the good of all Christians, Innocent III was reviving a practice with a long and venerable tradition. Supplicatory processions seeking Divine intervention were known at Rome at least from the sixth century, and were generally organised with the specific purpose of averting disaster or remedying a current crisis.⁷⁸ In 556 Pelagius I (556–61) held a penitential procession from S. Pancrazio to St Peter's with the aim of establishing his innocence against the charge of complicity in the death of his predecessor, Vigilius (537–55).⁷⁹ Early in the pontificate of Stephen II (752–57), when Rome was under threat from the Lombards, the pope called on the population to seek the Lord's clemency for their deliverance.⁸⁰ A procession to S. Maria Maggiore was held, with the

⁷⁶ Ferri, 'La *Romana Fraternitas*', 454 and n. 1.

⁷⁷ di Carpegna Falconieri, *Il clero di Roma*, 250.

⁷⁸ On crisis processions, see J.C. Koenig, 'Influencing the Gods. The Ritual Supplication in Ancient and Early Medieval Times' in *Ancient History in a Modern University*, ed. T.W. Hilliard et al. (Michigan/Cambridge, 1998) 433–44; M. McCormick, 'The Liturgy of War in the Early Middle Ages: Crisis, Litanies and the Carolingian Monarchy', *Viator* 15 (1984) 1–24.

⁷⁹ *LP* i, 303.

⁸⁰ *Ibid.*, 443.

pope himself carrying the *acheropoieta*, a miraculous image of Christ. Ash was placed on the heads of the people as they made their way barefoot and with much wailing.⁸¹ In the ninth century, Nicholas I (858–67) organised fasts and processions when Rome was under threat from the Frankish king and Emperor, Louis II (855–75).⁸² One procession was broken up by rioting mobs of Louis' supporters, and the crosses and relics carried by the participants were thrown to the ground.⁸³

Perhaps best known amongst these Roman supplicatory processions is the *litania septiformis* prescribed by Gregory I. A sermon, known as the *Sermo de Mortalitate*, providing detailed instructions for the holding of a procession has been included in Gregory's Register with the date of 29 August 603.⁸⁴ It is widely supposed that, if the date is correct, this represents the second observance of an event first held in 590 when a severe plague was afflicting the city.⁸⁵ The sermon was incorporated into Gregory of Tours's *Historia* where the event is recorded as taking place in the first year of the pope's pontificate.⁸⁶

The *Sermo de Mortalitate* indicates the manner in which the occasion was to be observed.⁸⁷ The participants were to be organised into seven groups (hence *litania septiformis*) according to sex and state. The clergy were to assemble at the Lateran basilica, the men at S. Marcello, the monks at SS. Giovanni e Paolo, the nuns at SS. Cosma e Damiano, married women at S. Stefano, widows at S. Vitalis, and paupers and infants at S. Cecilia. Each group was to make its way to S. Maria Maggiore where mass would be held. Gregory's sermon, and his instructions to the populace, leaves no room for doubt that this was a penitential procession. The Romans were to process with

⁸¹ Ibid.

⁸² *De Imperatoria Potestate in Urbe Roma Libellus*, ed. G. Zucchetti, FSI, 55 (Rome, 1920) 203–4.

⁸³ Ibid.

⁸⁴ Gregory I, *Register*, App. 9, CCSL, 140A, 1102–3.

⁸⁵ See Judith McClure, 'Gregory the Great: Exegesis and Audience', Unpublished D. Phil. Dissertation, Oxford, 1978, 175–80.

⁸⁶ Gregory of Tours, *Decem Libri Historiarum*, ed. B. Krusch and W. Levison (1951), MGH SS. rer. merov. 1,1, 477–81. Owen Chadwick has argued that this section of the text is a later interpolation, 'Gregory of Tours and Gregory the Great', *Journal of Theological Studies*, n.s. 50 (1949) 38–49. But see the response of McClure, 'Gregory the Great', 176–80.

⁸⁷ Gregory I, *Register*, 140A, 1103.

contrite hearts, begging God for mercy and compassion.⁸⁸ The fact that the mass was held at S. Maria Maggiore confirms that this observance was distinct from the Major Litany, already perhaps an annual event during Gregory I's pontificate, when the Romans processed from S. Lorenzo in Lucina to St Peter's.

The *Supplicatio generalis* indicates that Innocent III's procession of 1212 was to be organised along similar lines to Gregory I's *litania septiformis*, with the participant's grouped according to sex and state. Innocent's procession was also to have a pronounced penitential character. The women were to be stripped of their jewellery and fine clothes, and were to go praying 'devotedly and humbly, weeping and wailing'.⁸⁹ All those who were able, including the pope himself, were to go bare-footed. In conjunction with the procession, the populace were ordered to fast. No one was to eat fish or cereal and all were to be satisfied with bread and water. Those who could not fast, such as the sick, were to drink well-watered wine and eat frugally.⁹⁰

Like the Major Litany and the processions organised by Stephen II and Nicholas I, the *Supplicatio generalis* involved a relic display. As the Romans were making their way to the Lateran, the pope, together with the cardinals and the chaplains, entered the chapel of S. Lorenzo in the palace (also known as the *Sancta Sanctorum*) and removed the wood of the True Cross, a relic with obvious crusading connotations. This was carried in procession to the public *campus* where the pope delivered a sermon before celebrating mass in the Lateran basilica.⁹¹ The procedure at the Lateran would have been familiar to the Romans, for it mirrored that observed on the Feast of the Exaltation of the Holy Cross (14 September). According to Canon Benedict, on this feast day *sanctuaria*, including the wood of the True Cross, were removed from the *Sancta Sanctorum* and displayed to the crowds assembled in the Lateran *campus* before the procession moved on to the basilica for mass.⁹²

⁸⁸ Ibid., 366–67.

⁸⁹ *Supplicatio generalis*, col. 698.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² *Liber politicus*, 159. The sandals of Christ and his circumcision were also displayed. By the end of the twelfth century these relics had been replaced with the heads of Saints Peter and Paul, but the wood of the True Cross was still displayed: *Liber censuum*, 310–1. See S. Twyman, 'Summus Pontifex. The Ritual and Ceremonial of the Papal Court' in *Adrian IV. The English Pope (1154–1159), studies and texts*, ed. Brenda Bolton and Anne J. Duggan (Aldershot, 2003) 49–74, 65.

When planning the *Supplicatio generalis* Innocent III surely drew on the ritual of the Feast of the Exaltation of the Holy Cross. But it seems likely that he also took inspiration from Gregory I's *litania septiformis*. Innocent was a great admirer of Gregory,⁹³ and there can be little doubt that details of his predecessor's observance were well-known in the twelfth and thirteenth centuries. John the Deacon had commented on the event at length in his ninth-century *vita* of Gregory,⁹⁴ but the tradition of the *litania septiformis* was also maintained by the Romano-Germanic Pontifical.⁹⁵ This extensive collection of *ordines* was compiled at Mainz in the mid-tenth century and subsequently brought to Rome where it became the immediate source for the Roman pontificals of the twelfth and thirteenth centuries.⁹⁶ But the Northern author conflates the *litania septiformis* with the Major Litany, providing a description of the former under a rubric for the latter. He states that Gregory I instituted the procession on account of 'the sword of heavenly wrath hanging over the City', and goes on to record the assembly points used by each group.⁹⁷ Presumably drawing on a description of the *litania septiformis* in the belief that it was the same observance as the Major Litany, the author was unable to provide his rubrics with the locations for the mass and the collect. Had it been included, this information would have provided valuable evidence regarding the date of the transfer of the collect from S. Lorenzo in Lucina to S. Marco.

There is some suggestion in the twelfth-century sources that an element of confusion over the two observances remained or, perhaps, that characteristics of Gregory I's *litania septiformis* had been assimilated to the Major Litany. In his *ordo* for the latter, Canon Benedict speaks of the *litania septiformis*.⁹⁸ He is referring not, however, to seven processions, but to the seven-fold letanic prayers sung by the regional subdeacon at the stopping points made by the papal cortège between

⁹³ See Bolton, 'Except the Lord keep the city': towns in the papal states at the turn of the twelfth century' in *Innocent III*, III, 204.

⁹⁴ *S. Gregorii Magni Vita*, PL, 75, c. 41, cols 79–81.

⁹⁵ *Le pontifical Romano-Germanique du dixième siècle*, 2 vols, ed. C. Vogel and R. Elze, Studi e testi 226 (Vatican City, 1963) 2, c. 419, 119.

⁹⁶ On the influence of the Romano-Germanic Pontifical at Rome, see Vogel, *Medieval Liturgy*, 239.

⁹⁷ *Le pontifical Romano-Germanique*, 119.

⁹⁸ *Liber politicus*, 156.

the Lateran basilica and St Peter's.⁹⁹ Prior Bernard, in the office book of the Lateran, is keen to ascribe the innovation of the Major Litany to Gregory I, and the preamble to the rubrics for the feast suggests that he was drawing on the *Sermo de mortalitate*.¹⁰⁰

The *Supplicatio generalis* contains only the briefest reference to the *Romana Fraternitas* and its rectors, but it is an invaluable source for the liturgical activities of the society. It had previously been assumed, on the basis of their involvement in the organisation of the Major Litany, that the rectors had a broad role to play in the urban stationary liturgy. But if this were the case, it would be difficult to explain why mention of the *Romana Fraternitas* appears in the twelfth- and thirteenth-century sources only in relation to 25 April. By adding the evidence of the *Supplicatio generalis*, it becomes clear that the fraternity's function in relation to the stationary liturgy was restricted to mobilising and organising the urban clergy on those rare occasions when they were required to participate as a body. There can be little doubt that the organisation of the stationary liturgy was a function performed almost exclusively by the clergy of the papal palace.

⁹⁹ Ibid.

¹⁰⁰ *Ordo Lateranensis*, 94.

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MIRABILIA, MUNITIONES, FRAGMENTA—ROME'S ANCIENT MONUMENTS IN MEDIEVAL HISTORIOGRAPHY

Andrea Sommerlechner

The idea and images of Rome in the Middle Ages varied greatly. They were alternately inspired by melancholy contemplation of decline, and criticism of the corrupt and greedy Romans, or in contrast, by an aesthetic appreciation and fascination with ancient Rome and its legends. Such ideas were developed and expressed in manifold literary genres, including medieval historical writing. This paper explores the treatment of the phenomenon of Rome in historical works which refer to the city, its topography and classical monuments but do not make it their main topic, as the *Mirabilia*-genre does. When compared with charters, semi-historical descriptions or guidebooks such as the *Mirabilia Urbis Romae*,¹ the *Graphia aureae Urbis*,² and the *Mirabilia* of the English visitor *magister Gregorius*,³ these works are a minor source. Nevertheless they are valuable guides to the state, condition and appreciation of ancient monuments in medieval Rome. The sample examined consists of works written in the Roman urban context, by more-or-less attentive visitors, or by compilers from 'outside'. It extends from the early to the later middle ages. Whereas previous studies have concentrated on single genres and restricted periods, this paper seeks to demonstrate the ways contemporary historiographers wrote about ancient monuments which they had looked at, about which they had heard or read, or which they imagined over a long period. Several approaches can be distinguished and will serve as the main connecting thread. The most important of these

¹ 'Mirabilia Urbis Romae', in *Codice topografico della città di Roma*, ed. Roberto Valentini and Giuseppe Zucchetti, 4 vols, FSI, 81, 88, 90, 91 (Rome, 1940–1953), iii, 3–65 (for a translation into English see *The Marvels of Rome*, ed. and trans. F.M. Nichols [New York, 2nd edn 1986]).

² 'Graphia aureae Urbis', *ibid.*, 67–110.

³ Cristina Nardella, *Il fascino di Roma nel Medioevo. Le "Meraviglie di Roma" di maestro Gregorio, La corte dei papi*, 1 (Rome, 1997) (for a translation into English see Master Gregorius, *The marvels of Rome*, translated with an introduction and commentary by J. Osborne [Toronto, 1987]).

are the matter-of-fact use of Roman topography as the setting for the events described, erudite knowledge of the revived tradition of *Roma caput mundi*, ready for ideological use, and the interspersing of fabulous stories drawn from the *Mirabilia*-genre into the mainstream of history.

Historical texts written by authors in the city of Rome itself consist of just two, very different works: the heterogenous series of the popes' lives assembled in the *Liber Pontificalis* and the anonymous vernacular Roman chronicle which covers the years from 1327 to 1354. The 'Book of Pontiffs' which records the *Vitae* of the popes from election to burial, devotes much space to the building activity of the city's lords, as befits a mostly Rome-centred and Rome-confined account.⁴ Classical topography and ancient monuments are used to describe the location of new buildings. Paul I (757–767), for example, dedicates a church to saints Peter and Paul 'on the Via Sacra close to the Temple of Rome'.⁵ Pagan monuments are either objects of christianization and transformation or supply building material for churches. Thus Boniface IV in 608 or 610 'asked the emperor Phocas for the temple called the Pantheon, and in it he made the church

⁴ The *Liber Pontificalis* has been read as a source for early medieval Roman buildings by H. Geertman, *More veterum. Il Liber Pontificalis e gli edifici ecclesiastici di Roma nella tarda antichità e nell'alto medioevo*, Archeologica Traiectina, 10 (Groningen, 1975); L. Reekmans, 'Les constructions des papes avant la période carolingienne répertoriées dans le Liber Pontificalis', in *Aevum inter utrumque. Mélanges offerts à Gabriel Sanders*, ed. Marc van Uytanghe and Roland Demeulenaere, Instrumenta Patristica, 23 (The Hague, 1991), 355–66; Aldo Nestori, 'Da Gregorio Magno (590–604) a Leone III (795–816): una lettura in chiave architettonica del *Liber Pontificalis*', *Romano-barbarica*, 12 (1992/93), 381–91; see also Cristina Nardella, 'L'antiquaria romana dal "Liber Pontificalis" ai "Mirabilia urbis Romae"', in *Roma antica nel Medioevo. Mito, rappresentazioni, sopravvivenze nella "Respublica Christiana" dei secoli IX–XIII*, Settimana internazionale di studio, La Mendola, agosto 1998 (Milan, 2001), 423–48, at 423–9.

⁵ *Le Liber Pontificalis*, ed. L. Duchesne, Bibliothèque des Écoles françaises d'Athènes et de Rome, 2nd Ser., 3 vols (Paris, 1886–1957), i, 465, l. 6 (for a translation into English see *The Book of Pontiffs [Liber Pontificalis]*, trans. Raymond Davis [Liverpool, 1989]; *The Lives of the Eighth Century Popes: the Ancient Biographies of Nine Popes from AD 715 to AD 817*, trans. Raymond Davis [Liverpool, 1992]; *The Lives of the Ninth Century Popes*, trans. Raymond Davis [Liverpool, 1995]); see also the dedication of SS. Cosma e Damiano *in loco qui appellatur via Sacra iuxta templum urbis Romae* by Felix IV (526–530): *ibid.*, i, 279, ll. 3–4; for the identification of the *templum Romae* most probably with the temple of Venus and Roma see ultimately Sandro Lorenzatti, 'Vicende del tempio di Venere e Roma nel Medioevo e nel Rinascimento', *Rivista dell'Istituto Nazionale d'Archeologia e Storia dell'Arte*, ser. 3, 13 (1990), 118–38, at 122–3 and n. 199, 125–7.

of the ever-virgin Mary and all martyrs⁶ while Honorius I (625–638) ‘roofed the whole church [of St. Peter’s] with bronze tiles which he removed from the temple called that of Rome’.⁷ Classical *spolia* also become important at the end of a papal career: pope Innocent II chose to be buried in a porphyry sarcophagus from the mausoleum of Hadrian and ordered the imperial tomb to be displayed in front of the Lateran during his lifetime. Boso’s *Vita* in the *Liber Pontificalis*, however, contents itself with pointing out the precious material and the wonderful skill involved in the creation of the object (*concha porphyretica miro opere constructa*),⁸ leaving the ideological implications to others.⁹ The same applies to the tomb of Anastasius IV (1153/54) who had the sarcophagus of the empress Helena fetched from her mausoleum at Tor Pignattara for his own burial (*porfiriticum pretiosum sepulchrum*).¹⁰

On the other hand, ancient monuments are part of the ‘topographical network’ which the chroniclers use to describe and place the actions of war. In 768 enemies fell upon the tribune Gracilis near the Colosseum (or near Nero’s colossal statue in front of it).¹¹ During the reign of pope John XIII (965–972), as a preliminary to his execution the prefect Petrus was strung up by his hair in *caballum Constantini*, ‘from Constantine’s horse’, the ancient equestrian

⁶ *LP*, i, 317, ll. 2–4; see T. Buddensieg, ‘Criticism and Praise of the Pantheon in the Middle Ages and the Renaissance’, in *Classical Influences on European Culture A.D. 500–1500*, ed. R.R. Bolgar (Cambridge, 1971), 259–267, at 259–60.

⁷ *LP*, i, 323, ll. 7–8 (*cooperuit ecclesiam omnem ex tegulis aereis quas levavit de templo qui appellatur Romae*).

⁸ *Ibid.*, ii, 385, ll. 4–5.

⁹ See *Mirabilia*, 46, l. 12–7, l. 1; *Graphia*, 86, ll. 22–3; Petrus Mallius, *Descriptio*, 431, ll. 23–5; ‘Descriptio Lateranensis ecclesiae’, *ibid.*, 319–73, at 348, ll. 15–7; for the monument, which was destroyed by fire in 1308, see Michael Borgolte, *Petrusnachfolge und Kaiserimitation. Die Grablegen der Päpste, ihre Genese und Traditionsbildung*, Veröffentlichungen des Max-Planck-Instituts für Geschichte, 95 (Göttingen, 1989), 163–5; *Die mittelalterlichen Grabmäler in Rom und Latium vom 13. bis zum 15. Jahrhundert*, ii: *Die Monumentalgräber*, ed. Jörg Garms, Andrea Sommerlechner and Werner Telesko, Publikationen des Historischen Instituts beim Österreichischen Kulturinstitut in Rom, ii/1 (Vienna, 1994), 117–9, no. 35; Ingo Herklotz, *Gli eredi di Costantino. Il papato, il Laterano e la propaganda visiva nel XII secolo*, La corte dei papi, 6 (Rome, 2000), 19–27. For the ideological use of imperial emblems see Giovanni Agosti, Vincenzo Farinella, Daniela Gallo, Giovanni Tedeschi Crisanti, ‘Visibilità e reimpiego: “A Roma anche i morti e le loro urne camminano”’, in *Colloquio sul reimpiego dei sarcofaghi Romani nel medioevo*, ed. Bernhard Andreae and Salvatore Settis, Marburger Winckelmann-Programm (Marburg, 1983), 155–70, at 159–64.

¹⁰ *LP*, ii, 388, ll. 8–9; see Borgolte, *Petrusnachfolge*, 170–1.

¹¹ *LP*, i, 472, ll. 14–5.

statue of Marcus Aurelius, emblem of judicial supremacy. The corpse of pope Boniface VII was exposed in the same place in 984.¹² A century later, Henry IV stormed the Capitoline hill, overthrew the strongholds of the Corsi family and made himself master of the *Urbs* treating Rome 'as if it were his own home' (*Romam ut propriam domum cepit habere*).¹³ He laid siege to the Septizodium where Rusticus, nephew of pope Gregory VII, had entrenched himself, destroying some of the columns,¹⁴ a rare description of the damage done to a monument. The *Annales Romani*, part of the *Liber Pontificalis* covering the period from 1044 to 1187, portray conflict and pursuits in the streets of Rome during the struggles preceding the accession of Paschal II (1099). They mention the Temple of Romulus (*templum Romuli*), the *arcus Aure* (at the Forum of Nerva), the *Sedes Solis* (Septizodium), the Circus Maximus (*Circulus maior*) and a triumphal arch which can be identified as the arch of Constantine,¹⁵ thus structuring the area between the Palatine, Capitoline and Aventine, where the noble families had their strongholds, in terms of its ancient monuments.

The *Gesta Innocentii*, a detailed account of the deeds of Innocent III down to 1208 composed by a member of the Roman curia, reveal the same attitude towards the vestiges of Roman antiquity and put them in comparable contexts. When cardinal deacon of SS. Sergio e Bacco at the Forum Romanum, Innocent dedicated himself to the renovation of his church.¹⁶ Rather than a *basilica* it then resembled a *crypta*, the re-used remnants of an ancient building, used by the *Gesta* as a toponym of decay.¹⁷ He embellished it with a colon-

¹² Ibid., ii, 252, ll. 9–10; 259, ll. 4–6; see Ingo Herklotz, 'Der Campus Lateranensis im Mittelalter', *Römisches Jahrbuch für Kunstgeschichte*, 22 (1985), 3–42, at 8, 24; Lucilla de Lachenal, 'Il gruppo equestre di Marco Aurelio e il Laterano. Ricerche per una storia della fortuna del monumento dall'età medievale sino al 1538 (parte I)', *Bollettino d'Arte*, 74 (= 61) (1990), 1–52, at 8–9.

¹³ *LP*, ii, 290, l. 15.

¹⁴ Ibid., ll. 15–7 (*Septem solia . . . obsidere cum multis machinationibus attemptavit, de quibus quamplurimas columnas subvertit*), see also in the *vita* of Paschal II the pope's flight to his fortress in the Septizodium in 1116 (*in eius munitiones que dicitur Sedem Solis*): ibid., ii, 344, ll. 7–8.

¹⁵ Ibid., ii, 346, ll. 2–9; see Nardella, 'Antiquaria romana', 424.

¹⁶ *Gesta*, c. iv, col. xviii, and c. cxlv, col. ccvii B (for a translation into English see *The Deeds of Pope Innocent III by an Anonymous Author*, translated with an introduction and notes by James M. Powell [Washington, D.C., 2004]).

¹⁷ See Andrea Sommerlechner, 'Urkunden als Quellen zu Stellenwert und Verwendung antiker Reste im mittelalterlichen Rom', *Römische Historische Mitteilungen*, 43 (2001), 311–54, at 332, 336–9.

naded portico (*porticus columnata*, *porticus columnarum*), obviously made of *spolia*.¹⁸ The conflicts of the pope, his relatives and allies with their opponents Giovanni Capocci, Giovanni Petri Leonis Rainerii and the Roman commune between 1199 and 1205 led to a series of violent actions, the so-called Tower wars, with the area between the Lateran and the Colosseum as the 'epicentre'.¹⁹ Again the *Gesta* expose the combatants' use of monuments: the Colosseum contained the fortresses of the Frangipane family.²⁰ Senator Pandolfo lost to the enemy a small tower (*turricella*) near the Colosseum and his *forma*, a part of the Claudian aqueduct near the Lateran.²¹ When he put up his stronghold in the area of Trajan's Markets (*in montem supra domum suam qui Ballea Neapolis dicitur*), Richard, the pope's brother, assisted him generously in building wooden towers where stone structures were lacking, fortifying the churches of the area and the *therme* (ruins of the Markets).²² While fighting Giovanni Capocci and erecting his own tower near the tower of his opponent, Pandolfo raised a

¹⁸ Ibid., 343–4. See also Peter Cornelius Claussen, 'Renovatio Romae. Erneuerungsphasen römischer Architektur im 11. und 12. Jahrhundert', in *Rom im Hohen Mittelalter. Studien zu den Romvorstellungen und zur Rompolitik vom 10. bis zum 12. Jahrhundert*. Reinhard Elze zur Vollendung seines siebenzigsten Lebensjahres gewidmet, ed. Bernhard Schimmelpfennig and Ludwig Schmugge (Sigmaringen, 1992), 87–125, at 117 and n. 67.

¹⁹ See Giulia Barone, 'Innocenzo III e il Comune di Roma', in *Innocenzo III. Urbs et Orbis*, 642–67, at 664; also Étienne Hubert, *Espace urbain et habitat à Rome du X^e à la fin du XIII^e siècle*, Nuovi Studi Storici, 7 (Rome, 1990), 199–200; Matthias Thumser, *Rom und der römische Adel in der späten Stauferzeit*, Bibliothek des Deutschen Historischen Instituts in Rom, 81 (Tübingen, 1995), 250–3; Brenda Bolton, 'Too important to neglect: the *Gesta Innocentii PP III*', in: Bolton, *Innocent III*, iv, pp. 87–99, at 96–7.

²⁰ *Gesta*, c. cxxxix, col. cxcii: *Petrus Anibaldi, sororius domini papae, pontes omnes juxta Colossaeum, turrem ex opposito coepit constituere, prohibentibus Jacobo Frapane, ac relicta Raimonis Frapane, et impredientibus, prout poterant, per Colossaeum et turrem Raimonis, lapidibus et sagittis emissis*; see Matthias Thumser, 'Die Frangipane. Abriß der Geschichte einer Adelsfamilie im hochmittelalterlichen Rom', *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 71 (1991), 106–63, at 147.

²¹ *Gesta*, c. cxl, col. cxcii A: *Joannes vero Capotius... invaluit... quod, Lateranum accedens, domos Pandulphi... evertit, et formam, quam ibi habebat, accepit. Sed et turricellam, quam prope Colossaeum, juxta Sanctorum Quadraginta Martyrum ecclesiam, Pandolphus munierat, violenter invasit*. See also the chapter about two brothers who finally handed over to the pope an illicitly erected tower connected with the *forma antiqua*, the Aqua Claudia: Ibid., c. cxli, cols cxcv D–cxvi A.

²² Ibid., c. cxxxix, col. cxc B–C: *Richardus, germanus domini pape, subveniebat ei magnifice in expensis, feceruntque turres ligneas, ubi lapideas non habebant, aggeres et fossatas, munientes thermas, incastellantes ecclesias...* For the archeological exploitation of these chapters see R. Meneghini, 'Il foro ed i mercati di Traiano nel Medioevo attraverso le fonti storiche e d'archivio', *Archeologia Medievale*, 20 (1993), 79–120, at 96–8.

fagiolum (probably a wooden construction rather than a 'bean')²³ 'on top of an ancient monument' (*super quoddam monumentum antiquum*).²⁴ Ancient monuments, mostly unnamed, are treated in the *Gesta* in a sober and purely utilitarian way. The *Liber Pontificalis* and the *Gesta Innocentii* provide valuable information on the state of preservation of monuments. They are less useful on the way they were perceived.

By contrast the *Anonimo Romano*, an outstanding and original work, describes the use Cola di Rienzo made of ancient monuments and *spolia* for his propaganda 'performances' and, in a time of new sensibility towards classical antiquity, reflects its reception in the political ideas of a popular leader. The author introduces Cola as an authority on ancient inscriptions: *Tutta die se speculava nelli intagli de marmo li quali iaccio intorno a Roma. Non era atri che esso, che sapessi leiere li antiqui pataffii. Tutte scritture antiche vulgarizzava. Queste figure de marmo iustamente interpretava* ('Every day he would gaze at the marble engravings which lie about in Rome. He alone knew how to read the ancient inscriptions. He translated all the ancient writings. He interpreted those marble shapes perfectly').²⁵ This inspiration is transformed into *mises en scène* with monuments which reveal an impressive syncretism of the symbols of classical imperial and medieval communal Rome,²⁶ most notably in the portrayal of *Roma* on the Capitoline hill,²⁷ and the ceremony of the presentation and interpretation of the *Lex de Imperio* in S. Giovanni in Laterano. This bronze tablet contained the delegation of the people's sovereignty to emperor Vespasian, and, although unidentified, since the thirteenth century had been part of an ensemble of emblems of sovereignty in front of the Lateran together with the Roman *lupa* and the bronze statue of a ram until it was inserted in the mensa of the altar of S. Giovanni with the

²³ *Ibid.*, 96, note 80.

²⁴ *Gesta*, c. cxxxix, cols cxc C–cxi A.

²⁵ Anonimo Romano, *Cronica*, ed. G. Porta (Milan, 1981), c. xviii, pp. 104–5 (for a translation into English see *The Life of Cola di Rienzo*, translated with an introduction by John Wright, Pontifical Institute of Mediaeval Studies [Toronto, 1975]).

²⁶ Massimo Miglio, 'Roma dopo Avignone. La rinascita politica dell'antico', in *Memoria dell'antico nell'arte italiana*, ed. Salvatore Settis, i: *L'uso dei classici*, Biblioteca di storia dell'arte, n.s. 1 (Turin, 1984), 75–111, at 79–80.

²⁷ Anonimo Romano, *Cronica*, c. xviii, pp. 106–7; see Massimo Miglio, "'Et rerum facta est pulcherrima Roma': Attualità della tradizione e proposte di innovazione', in *Aspetti culturali della società italiana nel periodo del papato avignonese*, Convegni del centro di studi sulla spiritualità medievale, 19 (Todi, 1981), 312–69, at 328–30.

inscription concealed by pope Boniface VIII.²⁸ When celebrating his knighting in 1347, Cola staged a series of ceremonies at the Lateran honouring himself in the role of *tribunus Romanus*, designed to gratify the Roman people and to impress delegations from all over Italy. On this occasion, the conspicuous use of the baptismal font of Constantine where the tribune took his bath, and of the equestrian statue of Marcus Aurelius, the *cavallo de Costantino*, from whose nostrils poured wine and water,²⁹ also met with a lively response from spectators from outside Rome.³⁰ The anonymous chronicler does not confine himself to describing Cola's approach to ancient monuments, but sets the tribune's destiny in relation to the places where it came to pass: his death in front of the senatorial palace at the *Capitolium*, *allo luoco dello lione*, near the third century sculpture of a horse devoured by a lion, emblem of the city of Rome,³¹ and the cremation of the corpse of the *tribuno augusto* in *campo dell'Austa*, near the mausoleum of Augustus, believed to be the 'tomb of all emperors', piled up with earth from all nations, symbol of Roman dominion.³² In his prooemium the author states that statues and inscriptions, subsequently substituted by books, were set up in famous places to recall to mind famous

²⁸ Anonimo Romano, *Cronica*, c. xviii, p. 108: *una granne e mannifica tavola de metallo con lettere antike scritta, la quale nullo sapeva leiere né interpretare, se non solo esso*. See Herklotz, 'Campus Lateranensis', 21–3; Norberto Gramaccini, *Mirabilia. Das Nachleben antiker Statuen vor der Renaissance* (Mainz, 1996), 94–6; Amanda Collins, 'Cola di Rienzo, the Lateran Basilica, and the *Lex de Imperio* of Vespasian', *Mediaeval Studies*, 60 (1998), 159–83; Carrie E. Bene, 'Cola di Rienzo and the *Lex Regia*', *Viator*, 30 (1999), 231–51.

²⁹ Anonimo Romano, *Cronica*, c. xviii, pp. 137 and 138; see Miglio, 'Et rerum facta est', 327–8; de Lachenal, 'Gruppo equestre', 41–2; Chiara Frugoni, 'L'antichità: dai "Mirabilia" alla propaganda politica', in *Memoria dell'antico nell'arte italiana*, 5–72, at 37.

³⁰ *Chronicon Estense cum additamentis usque ad annum 1478*, ed. Giulio Bertoni and Emilio Paolo Vicini, *RIS*² 15/iii, 151, ll. 30–1; Giovanni da Bazzano, 'Chronicon Mutinense [aa. 1188–1363]', ed. Tommaso Casini, *RIS*², 15/iv (Bologna, 1917), 135–6, esp. 136, ll. 9–10; 12–4: the *equus domini Constantini Imperatoris de metallo cooperatus de varo, ita artificialiter ordinatus quod ex naricibus egrediebatur vinum et aqua continuo et nemo videbat quomodo poneretur* as highlight of the *festum magnum et solemnitas mirabilis*.

³¹ Anonimo Romano, *Cronica*, c. xxvii, p. 197. For the sculpture see Norberto Gramaccini, 'La prima riedificazione del Campidoglio e la rivoluzione senatoriale del 1144', in *Roma, centro ideale della cultura dell'antico nei secoli XV e XVI*, ed. S.D. Squarzina (Milan, 1989), 33–47, at 39, 46, nn. 52–3.

³² Anonimo Romano, *Cronica*, c. xxvii, p. 198. For the mausoleum see *Mirabilia*, 47–8; *Graphia*, 87, ll. 1–12; see also Giuseppe Marchetti Longhi, *La memoria di Augusto e dei suoi monumenti nel medio evo*, Quaderni Augustei. Studi Italiani, 7 (Rome, 1939), 28.

deeds.³³ This certainly repeats a classical primordial topos,³⁴ which, however, links to the contents of his chronicle, and may reflect the protagonist's passion for classical antiquity.³⁵

A second group of historians consists of contemporary chroniclers from outside, who came not primarily as visitors to the city of Rome or its churches but 'on business', often 'accompanying' the German kings on their coronation journeys or other expeditions to Rome. On these chroniclers the impact of Rome is direct and concrete. Northern authors, particularly of the tenth to twelfth centuries, are mostly unfamiliar with Rome, and even hostile,³⁶ and quite often depict the city as 'empty'. Richer of Saint-Remi, Lambert of Hersfeld, Helmold of Bosau, Adam of Bremen and others do not even mention buildings.³⁷ For others, like Hermann of Reichenau and Bernold of Konstanz, Rome consists of S. Pietro and the Lateran, the *civitas Leonina* and Castel Sant'Angelo, Trastevere and the Tiber: the pope's seat, the scene of the emperor's coronation, strongholds and battlefields.³⁸ The most common notion of Rome is the Tiber coloured red with blood of the fighting Germans and Romans.³⁹

³³ Anonimo Romano, *Cronica*, c. i, p. 3: ... *le memorie se facevano con scoiture in sassi e pataffii, li quali se ponevano nelle locora famose dove demoravano moititudine de iente, ovvero se ponevano là dove state erano le cose fatte.*

³⁴ See Ingo Herklotz, 'Antike Denkmäler in den Proömien mittelalterlicher Geschichtsschreiber', in *Arte d'Occidente. Temi e metodi. Studi in onore di Angiola Maria Romanini*, ed. Antonio Cadei, Marina Righetti Tosti-Croce, Anna Segagni Malacart and Alessandro Tomei, 3 vols (Rome, 1999), iii, 971–86; for a prominent example see Boncompagno of Signa, 'Liber de obsedione Ancone', ed. Giulio C. Zimolo, *RIS*², 6/ii (Bologna, 1937), 7–8; see also Frugoni, 'Antichità', 21–2.

³⁵ Gustav Seibt, *Anonimo romano. Geschichtsschreibung in Rom an der Schwelle zur Renaissance*, Sprache und Geschichte, 17 (Stuttgart, 1992), 163–4, 178–9; Miglio, 'Et rerum facta est', 346 and n. 96, 352.

³⁶ See Pierre Toubert, *Les structures du Latium médiéval. Le Latium méridional et la Sabine du IX^e à la fin du XII^e siècle*, 2 vols, Bibliothèque des Écoles françaises d'Athènes et de Rome, 221 (Rome, 1973), ii, 1031–2.

³⁷ See Gerd Tellenbach, 'La città di Roma dal IX al XII secolo vista dai contemporanei d'oltre frontiera', in *Studi storici in onore di Ottorino Bertolini*, 2 vols (no year [Pisa, 1972]), ii, 679–734, at 681–2; elaborated as idem, 'Die Stadt Rom in der Sicht ausländischer Zeitgenossen (800–1200)', *Saeculum*, 4 (1973), 1–40, at 3–4, and finally Rudolf Schieffer, 'Mauern, Kirchen und Türme. Zum Erscheinungsbild Roms bei deutschen Geschichtsschreibern des 10.–12. Jahrhunderts', in *Rom im Hohen Mittelalter*, 129–37.

³⁸ See Tellenbach, 'Stadt', 26–7; Schieffer, 'Mauern', 130–1.

³⁹ See for example, during the coronation of Henry V in 1111: Helmold of Bosau, 'Cronica Slavorum', ed. B. Schmeidler, *MGH SS rer. germ.*, [32] (Hannover, 3rd edn 1937), 79, ll. 1–2; 1154 during the stay of Frederick I Barbarossa: Geoffrey of Viterbo, 'Pantheon', ed. G. Waitz, *MGH SS*, 22 (Hannover, 1872), 107–307, at

There are, however, two exceptions. Ancient monuments, impeccably named and carefully placed, figure in the Roman chapters in bishop Benzo of Alba's 'dossier' *Ad Heinricum IV imperatorem*, a series of miscellaneous, not strictly historiographical writings composed between 1064/1065 and 1085.⁴⁰ The bishop stayed in Rome twice. From 1062 to 1064 he was on a mission to enlist the urban nobility and the people to the cause of Cadalus, antipope Honorius II and antagonist of Alexander II. In 1084 he witnessed the entry of Henry IV for his coronation in St Peter's and his wedding in Castel Sant'Angelo. Combining profound classical erudition, polemical partisanship and an elaborate political concept of a Rome-centred empire awaiting the new Emperor of Peace, Benzo designs Rome with the Capitoline as ideological centre of the ancient city.⁴¹ Here the modern Romans housed their honoured guest Benzo in the *palatium Octaviani* (the Tabularium and later senatorial palace),⁴² while he was offered the *hypodromium* (the gallery overlooking the Forum Romanum) to speak to an assembly.⁴³ The monumental statues of the twins Castor and Pollux on the Quirinal, *locus qui dicitur Opus Praxitelis* (unlike others, Benzo is able to read the inscription *Opus Praxitelis* for what it is: the artist's signature), were the setting for an ambush

267, ll. 56–9; 'Chronica regia Coloniensis', ed. G. Waitz, *MGH SS rer. germ.*, [18] (Hannover, 1880), 1–250, at 92 (*hostes strictis gladiis trans Tyberim remittunt, et tanta in eos cede deserviunt, ut ipse alveus fluminis totus sanguine occisorum immutaretur*).

⁴⁰ Benzo of Alba, 'Ad Heinricum IV. imperatorem libri VII', ed. and trans. Hans Seyffert, *MGH SS rer. germ.*, 65 (Hannover, 1996); see also Percy Ernst Schramm, *Kaiser, Rom und Renovatio. Studien und Texte zur Geschichte des römischen Erneuerungsgedankens vom Ende des Karolingischen Reiches bis zum Investiturstreit*, Studien der Bibliothek Warburg, 17 (Leipzig, Berlin, 1929), 265; Tilman Struve, 'Kaisertum und Romgedanke in salischer Zeit', *DA*, 44 (1988), 424–54, at 437–51.

⁴¹ *Soliti erant Romani aliis gentibus dominari et spolia nationum referre ad Capitolium*: Benzo of Alba, 'Ad Heinricum IV.', 214, ll. 1–3 (lib. ii, c. 7); see also 250, ll. 15–7 (lib. ii, c. 17).

⁴² *Ibid.*, 194, ll. 4–6 (lib. ii, c. 1): *Hii omnes ut papam me salutaverunt et . . . ad palacium Octaviani assportaverunt*; 200, ll. 26–7 (lib. ii, c. 2): *palatium Octaviani, ubi erat meum ospicium*; for identification see Anna Mura Sommella, 'La "Camellaria" e il "Palatium Octaviani" sul Campidoglio: Il riuso del Tabularium in età postantica', *Bollettino dei Musei Comunali di Roma*, 10 (1996), 69–83, at 70–1.

⁴³ Benzo of Alba, 'Ad Heinricum IV.', 194, ll. 14–6 (lib. ii, c. 2): *deduxerunt me ad quoddam hypodromium quia ibi regi mandatale videbatur esse competens auditorium*; Benzo's pretentious term has produced a variety of identifications, from the Circus Maximus (Ferdinand Gregorovius, *Geschichte der Stadt Rom im Mittelalter. Vom V. bis zum XVI. Jahrhundert*, ed. Waldemar Kampf, 4 vols [Munich, 1978], 2/i, 57; Hans Seyffert, 195, n. 24) to the loggia of the Senatorial palace (Gramaccini, *Mirabilia*, 169, 240, n. 24); see also Mura Sommella, '"Camellaria"', 70–1 and n. 5.

followed by a battle between the Roman factions in the summer of 1063.⁴⁴ The famous equestrian statue of Marcus Aurelius in front of the Lateran serves Benzo for contrasting the righteous pope Cadalus who, together with the Romans, worships the saintly patrons Peter and Paul in St Peter's, and their enemies, who make the Lateran their stronghold and behave like heathens: 'the Normans with their Idol (i.e. the 'schismatic' pope Alexander II) worship the horse of Constantine' (*Normanni cum suo hydolo . . . adorant Constantini equum*).⁴⁵ The treatment of antique monuments in Benzo's œuvre reveals both the author's refined learning and subtle interpretation.

Due to the Roman enterprises of emperor Frederick I Barbarossa, the impact of contemporary Rome on the idea of the ancient *Urbs* is felt in the works of his biographer Otto of Freising, who also composed a universal chronicle. In his *Historia de duabus civitatibus* Otto separates the settings of ancient Roman history (the *Capitolium*, Pantheon) from those of 'modern' events (the Lateran, S. Pietro, *civitas Leonina*, Castel Sant'Angelo, and so on). By contrast in his *Gesta Friderici* he singles out the *Capitolium* for an eminent political and ideological role. He epitomizes the programme of the Roman commune, the *Renovatio Senatus* of 1143/1144 — which incidently he attributes to the heretic Arnald of Brescia, whose arrival in Rome he thus has to pre-date — as 'rebuilding the Capitoline' (*reedificare Capitolium*);⁴⁶ in the paraphrase of the poet Gunther, author of the *Ligurinus*: *Lapsa ruinosis et adhuc pendencia muris | Reddere primevo Capitolia prisca nitori . . .* ('to restore the venerable Capitoline, which has fallen in ruins and is still in decay, to its original splendour . . .').⁴⁷ The

⁴⁴ Benzo of Alba, 'Ad Heinricum IV.', 258, ll. 6–11 (lib. ii, c. 18); see Andreas Thielemann, 'Roma und die Rossebändiger im Mittelalter', *Kölner Jahrbuch*, 26 (1993), 85–131, at 122–5.

⁴⁵ Benzo of Alba, 'Ad Heinricum IV.', 240, ll. 20–5 (lib. ii, c. 15), part of a fictitious letter which the Romans addressed to the empress Agnes; see Herklotz, 'Campus Lateranensis', 24–5; de Lachenal, 'Gruppo equestre', 9–10.

⁴⁶ Otto of Freising, 'Gesta Friderici I. imperatoris', ed. G. Waitz, 3rd edn, *MGH SS rer. germ.*, [46] (Hannover, Leipzig, 1912), 134, ll. 12–4 (lib. ii, c. 28); Otto thus prompted the debate about Arnald's role in the *Renovatio Senatus*, see Arsenio Frugoni, 'Sulla "Renovatio Senatus" del 1143 e l'"Ordo Equestris"', *Bollettino dell'Istituto Storico Italiano per il Medio Evo*, 62 (1950), 159–74, at 170–2; idem, *Arnaldo da Brescia nelle fonti del secolo XII* (Turin, 1989), 60–1; Jürgen Strothmann, *Kaiser und Senat. Der Herrschaftsanspruch der Stadt Rom zur Zeit der Staufer*, Beihefte zum Archiv für Kulturgeschichte, 47 (Cologne, Weimar, Vienna, 1998), 57–65.

⁴⁷ Gunther, 'Ligurinus', ed. Erwin Assmann, *MGH SS rer. germ.*, 63 (Hannover, 1987), 249–50, vv. 330–41, at vv. 335–6; see also p. 255, vv. 440–1.

Capitoline which had been rebuilt in both a figurative and a material sense, was the assembly place of Frederick's enemies during his coronation.⁴⁸ It stands as a symbol of Roman pretensions to recreate independence and ancient grandeur.⁴⁹ Here Otto differs from other witnesses of the event. Geoffrey of Viterbo mentions the Capitoline merely as the location for the misadventures of pope Lucius II (who died in 1145 after being hit by a stone when trying to take the Capitoline by assault)⁵⁰ while the popes' biographer Boso is more interested in stressing the novelty of the establishment of a communal *Senatus* by the Romans than in its matter-of-fact location.⁵¹ Although the extent and importance of Renaissance and renewal within the Roman municipal movement have been amply discussed,⁵² the description of the ideological use of an ancient monument written by a disapproving outsider with a strong dislike of the Romans⁵³ is a most interesting contribution to this debate.

Roman history constitutes a prominent part of universal and sometimes also of national chronicles. Ancient Roman topography and ancient Roman monuments therefore come to be a common patrimony of historical writing. There is, however, a wide spectrum of possibilities for linking ancient with contemporary and universal history, writing about Roman monuments and their legends being one of them. The most important source for medieval writers, apart from classical authors, are the *Mirabilia Urbis Romae*, composed at about the period of the *Renovatio Senatus* and describing a series of Roman monuments. The *Mirabilia* stress, through a fusion of pagan and christian myths, the continuity of Roman splendour in medieval Rome. Although initially addressed to a Roman audience they became, together with their derivatives, the most popular medieval pilgrim's

⁴⁸ Otto of Freising, 'Gesta Friderici', 141, ll. 6–7 (lib. ii, c. 33).

⁴⁹ See Gramaccini, *Mirabilia*, 167–8.

⁵⁰ Geoffrey of Viterbo, 'Pantheon', 261, ll. 6–14.

⁵¹ LP, ii, 385, ll. 1–2: *populus Romanus, novitatis amator, sub velamento utilitatis reipublice... in Capitolium senatum erexit.*

⁵² See R.L. Benson, 'Political Renovatio: two models from Roman antiquity', *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson, G. Constable and C.D. Lanham (Toronto, 1982, repr. 1991), 339–86; Ingrid Baumgärtner, 'Rombeherrschung und Romerneuerung. Die römische Kommune im 12. Jahrhundert', *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 69 (1989), 27–73.

⁵³ See Josef Benzinger, *Invectiva in Romam. Romkritik im Mittelalter vom 9. bis zum 12. Jahrhundert*, Historische Studien, 404 (Lübeck, Hamburg, 1968), 95–8.

guide.⁵⁴ Moreover, several chroniclers found an 'entry' into Rome through the famous Roman legends circulating both in the *Mirabilia*-tradition and independently. These included the dedication of the Pantheon and its purification of all demons,⁵⁵ the vision of Augustus and the *ara coeli*,⁵⁶ or the *Salvatio Romae* on the Capitoline, the magical group of statues representing the various peoples of the world who would ring a bell and warn the Romans in case of insurrection.⁵⁷ The universal chroniclers to be passed in review here represent different models of combining Roman sources, information transported by pilgrims and archaeological interest.

In his *Gesta regum Anglorum* (449–1125/1142), the Benedictine William of Malmesbury describes the departure for the First Crusade, visualizing Rome as a stop on the way to Jerusalem, with the topos of the depravity of the modern *quirites* as a background. He inserts into

⁵⁴ For the *Mirabilia*'s view of classical antiquity, its part in the Roman *Renovatio*, and spread see — a selection from the extensive literature — D. Kinney, "Mirabilia Urbis Romae", in *The Classics in the Middle Ages*, ed. A.S. Bernardo and S. Levin, Medieval & Renaissance Texts and Studies, 69 (Birmingham, New York, 1990), 207–21; Richard Krautheimer, *Rome. Profile of a city, 312–1308* (New Jersey, 1980), 198–202; Strothmann, *Kaiser und Senat*, 93–127; Nine Robijntje Miedema, *Die "Mirabilia Romae"*. Untersuchungen zu ihrer Überlieferung mit Edition der deutschen und niederländischen Texte, Münchener Texte und Untersuchungen zur deutschen Literatur des Mittelalters, 108 (Tübingen, 1996).

⁵⁵ The episode of the purification of the temple of all demons was passed on and enriched in historiography, guide books and collections of legends (for example the *Legenda Aurea*), and figures in the *Liber Pontificalis* (see above, n. 5) and in Bede's *Historia ecclesiastica gentis anglorum* (*Bede's Ecclesiastical History of the English People*, ed. and trans. Bertram Colgrave and R.A.B. Mynors, OMT [Oxford, 1969, repr. 1992], 148 [lib. ii, c. iv]).

⁵⁶ For the legend which appears in about the 6th century in the East, the 8th century in the West, see Philippe Verdier, 'La naissance à Rome de la vision de l'Ara Coeli: un aspect de l'Utopie de la paix perpétuelle à travers un thème iconographique', *Mélanges de l'École française de Rome. Moyen âge*, 94 (1982), 85–119. See Geoffrey of Viterbo, 'Pantheon', 150–1; idem, 'Speculum regum', ed. G. Waitz, *MGH SS*, 12 (Hannover, 1872), 21–93, at pp. 69–70; see also Heinrich Fichtenau, 'Vom Verständnis der römischen Geschichte bei deutschen Chronisten des Mittelalters', in *Festschrift Percy Ernst Schramm zu seinem siebenzigsten Geburtstag* (Wiesbaden, 1964), 401–419, at 414–5.

⁵⁷ For the tradition of the story, which figures also in the *De septem mundi miraculis*, see Arturo Graf, *Roma nella memoria e nelle immaginazioni del medio evo*, 2 vols (Turin, 1882, 1883), i, 182–213; Margarethe Demus-Quatember, 'Zur Weltwunderliste des Pseudo-Beda und ihren Beziehungen zu Rom', *Römische Historische Mitteilungen*, 12 (1970), 67–92; Nicola Cilento, 'Sulla tradizione della Salvatio Romae: La magica tutela della città medievale', in *Roma anno 1300. Atti della IV settimana di studi di storia dell'arte medievale dell'università di Roma "La Sapienza"*, 19–24 maggio 1980, ed. Angiola Maria Romanini (Rome, 1983), 695–703.

his narrative a digression consisting of Hildebert of Lavardin's famous elegy *Par tibi, Roma, nichil* ('Rome, without compare') and a list of Roman city-gates and holy places based on an early medieval list.⁵⁸ The motif of pilgrimage and tourism being endangered by the Romans' greed and thirst for blood is also mentioned among the deeds of pope Gregory VI (1045/46) who fought brigands and provided safety for visitors who *leti per urbem antiquis oculos pascebant miraculis* ('lightheartedly they roamed the city, feasting their eyes on its historic wonders').⁵⁹ Apart from this contemporary approach, William enriches the tradition of historical writing with a series of tales tied to Roman places and objects which reflect the author's idea of magical ancient Rome. As part of the legend of the necromancer Gerbert of Aurillac, pope Sylvester II (999–1003), he tells the story of a bronze statue bearing the inscription *hic percutite* ('strike here!') as an indicator of hidden treasures, located in the Campo Marzio (where the mausoleum of Augustus, the *Ara pacis* and the 'Sundial' of Augustus also stood).⁶⁰ He then links it with another narrative about the famous riches of Augustus.⁶¹ This story found its way into the works of Vincent of Beauvais, Alberic of Troisfontaines and Matthew Paris.⁶² In a more general way William's tale of the betrothal of a Roman youth to an image of Venus (on whose finger he wantonly put his ring and who therefore claimed him), again copied by Vincent and Matthew Paris, captures the author's fascination with and fear of

⁵⁸ William of Malmesbury, *Gesta Regum Anglorum. The History of the English Kings*, ed. and trans. R.A.B. Mynors, R.M. Thomson and M. Winterbottom, *OMT*, 2 vols (Oxford, 1998, 1999), i, 612–20 (lib. iv, cc. 351–2); for the Roman list see also *Codice topografico*, ii, 133–53.

⁵⁹ William of Malmesbury, *Gesta Regum Anglorum*, i, 368–9 (lib. ii, c. 201); see also Benzinger, *Investiva*, 101.

⁶⁰ See Marchetti Longhi, *Memoria*, 22–6, who puts the 'tangible' and topographical sources of the legend above the literary ones; also Graf, *Roma*, i, 161–70, 173–80.

⁶¹ William of Malmesbury, *Gesta Regum Anglorum* i, 278–88, 292–4 (lib. ii, cc. 167–9, 172); see Robert Brentano, *Rome before Avignon. A Social History of Thirteenth Century Rome* (London, 1974), 74–5; Massimo Oldoni, "A fantasia dicitur fantasma" (Gerberto e la sua storia, ii), *Studi medievali*, ser. 3, 21 (1980), 493–622, at 548–81.

⁶² *Bibliotheca Mundi seu Speculi maioris Vincentii Burgundi praesulis Bellovacensis . . . tomus quartus speculum historiale opera et studio Benedictinorum collegii Vedastini in Alma Academia Duacensi* (Douai, 1624), cols 997–8 (lib. 24, c. 99); Alberic of Troisfontaines, 'Chronica', ed. P. Scheffer-Boichorst, *MGH SS*, 23 (Hannover, 1874), 631–950, at 777, ll. 16–47; Matthew Paris, *Chronica Majora*, ed. H.R. Luard, 6 vols, *RS*, 57/1–6 (London, 1872–1882), i, 478–9.

ancient statues.⁶³ Archaeological interest, on the other hand, is revealed in an entry referring to the finding of the mummified body of Aeneas' companion Pallas in Rome.⁶⁴

The *Kaiserchronik*, composed c.1140/1150 by a cleric from Regensburg, represents the earliest known example of the reception of the *Mirabilia* into history writing.⁶⁵ The account of the Roman Empire from Caesar to 1147 begins with a description of pagan worship in ancient Rome, wherein the Colosseum as temple of Jupiter is vaguely recognizable and the legend of the Pantheon vividly depicted (down to the final scene where the demons flee through the hole in their former temple's dome).⁶⁶ The statecraft of the Romans is explained by the magical tale of the *Salvatio Romae*, and the ringing of the German statue's bell closes the prologue.⁶⁷ A story very similar to William of Malmesbury's 'betrothal to the Venus Statue' is transferred to the reign of Emperor Theodosius, and ends as a variation of the Pantheon theme with the sculpture's dedication to Saint Michael by pope Ignatius.⁶⁸ In the *Kaiserchronik*, however, ancient monuments remain part of ancient Roman or early Christian history; there is no connection whatever to the author's own period.

Martin of Troppau († 1278), Polish Dominican friar and longtime official of the papal curia, copied part of the *Mirabilia*, in the mid-twelfth-century adaption of the *Graphia*, into the preface to his pop-

⁶³ William of Malmesbury, *Gesta Regum Anglorum* i, 380–4 (lib. ii, c. 205); *Speculum historiale*, col. 1012 (lib. 25, c. 29); Matthew Paris, *Chronica Majora*, i, 527–8 (dated 1058). See also Friedrich von Bezold, *Das Fortleben der antiken Götter im mittelalterlichen Humanismus* (Bonn, Leipzig, 1922), 64–6; Gramaccini, *Mirabilia*, 39–41; Oldoni, 'A fantasia dicitur', 585–601.

⁶⁴ William of Malmesbury, *Gesta Regum Anglorum* i, 384 (lib. ii, c. 206); for further dissemination see *ibid.*, ii, 197.

⁶⁵ See Miedema, Die "Mirabilia Romae", 468.

⁶⁶ *Die Kaiserchronik eines Regensburger Geistlichen*, ed. Edward Schröder, *MGH Deutsche Chroniken*, 1 (Hannover, 1892), p. 82, vv. 139–55; pp. 82–3, vv. 171–208, 205–8: *die tielvel brästen oben ûz, | sumeliche im daz abgrunde. | des ist ze Rôme noch hiute urchunde.*

⁶⁷ *Ibid.*, pp. 83–4, vv. 217–46; see Hans Ferdinand Massmann, *Der keiser und der kunige buoch oder die sogenannte Kaiserchronik, Gedicht des zwölften Jahrhunderts*, 3/1–2, Bibliothek der gesamten deutschen National-Literatur von der ältesten bis auf die neuere Zeit, 4/3, 1–2 (Quedlinburg, Leipzig, 1854), ii, 421–32; E.F. Ohly, *Sage und Legende in der Kaiserchronik. Untersuchungen über Quellen und Aufbau der Dichtung*, Forschungen zur deutschen Sprache und Dichtung, 10 (Münster, 1940), 40–2.

⁶⁸ *Kaiserchronik*, pp. 318–23, vv. 13086–368; see Massmann, *Kaiserchronik*, ii, 874–85; Ohly, *Sage*, 203–11; the story is linked to the legend of the statue of Mercury who emerges from the Tiber to betray the emperor Julian the Apostate: *Kaiserchronik*, pp. 276–80, vv. 10634–847; see also *Mirabilia*, 60, ll. 5–6; cf. Ohly, *Sage*, 171–4; Bezold, *Fortleben*, 66–8.

ular *Chronicon pontificum et imperatorum*. This made them widely known among historians.⁶⁹ The chapters *de portis*, *de palaciis*, *de templis* are compactly placed as a preliminary to the Rome-centred chronicle of popes and emperors from Jesus Christ to Clement IV (1265–68). They are programmatically introduced: *Et quia tam pontifices quam imperatores Romane urbis esse dicuntur, idcirco conveniens arbitratus sum de conditione et statu urbis aliqua premittere, ut sic de ipsius pontificibus et imperatoribus ordinatius possem procedere* ('since both the popes and the emperors are said to belong to the Roman city, I thought it convenient to write beforehand about the founding and state of Rome, so that I can continue in a more orderly manner about its popes and emperors').⁷⁰ The author thus links the history of the popes and emperors with the monuments of ancient, pagan and Christian, magical Rome. The 'roots' of his universal history are Roman topography instead of Roman history. Furthermore, the *Mirabilia*-legends offer glances both forward and backward, their components shifting between the deeds of popes and emperors: the *camera Octaviani imperatoris, ubi nunc est ecclesia sancte Marie in Capitolio*, the scene of Augustus' vision of the Virgin and Child and now the church S. Maria in Aracoeli, erected where the emperor dedicated his altar to the new god; *Pantheon quod nunc Sancta Maria rotunda dicitur*, the construction of a fountain in front of the bronze horse, *ante ereum equum*, the statue of Marcus Aurelius, by pope Clement III; the location of Otto III's new Roman palace *in palacio Iuliani imperatoris* evoking maybe the *Mirabilia's templum Iuliani* on the Palatine hill.⁷¹ As for Christian attitudes towards pagan sculpture, Martin launches the version of pope Gregory I as destroyer of

⁶⁹ See Miedema, Die "Mirabilia Romae", 277–8, 468–9; see the entering of the *Mirabilia* into the *Sächsische Weltchronik* (Michael Menzel, *Die Sächsische Weltchronik. Quellen und Stoffauswahl*, Vorträge und Forschungen, Sonderband. 34 [Sigmaringen, 1985], 80–2; Miedema, Die "Mirabilia Romae", 470 and n. 1) and Ranulf Higden's *Polychronicon* (see below n. 73).

⁷⁰ Martin of Troppau, 'Chronicon pontificum et imperatorum', ed. L. Weiland, *MGH SS*, 22 (Hannover, 1872), 377–475, at 400–2; the quotation at 397, ll. 34–9.

⁷¹ *Ibid.*, 443, ll. 41–2; 445, ll. 36–45; 437, ll. 35–6; 466, ll. 14–5 (see *Mirabilia*, 57, 122; for the widely discussed location of Otto's palace of 998/1001 see Carlrichard Brühl, *Die Kaiserpfalz bei St. Peter und die Pfalz Ottos III. auf dem Palatin*, last in idem, *Aus Mittelalter und Diplomatie. Gesammelte Aufsätze*, 1: *Studien zur Verfassungsgeschichte und Stadtopographie* (Munich, Zürich, 1989), 3–31, at 20–31; Knut Görich, *Otto III. Romanus Saxonicus et Italicus. Rompolitik und sächsische Historiographie*, *Historische Forschungen*, 18 (Sigmaringen, 1993), 263–5; Steffen Diefenbach, 'Beobachtungen zum antiken Rom im hohen Mittelalter. Städtische Topographie als Herrschafts- und Erinnerungsraum', *Römische Quartalschrift*, 97 (2002), 40–88, at 44–9.

classical statues, a tale already told by *magister Gregorius* about Nero's colossal statue whose monumental head and hand with the globe became part of the emblems of papal *dominium* gathered in front of the papal palace at the Lateran.⁷²

The Benedictine Ranulf Higden of St. Werburgh in Chester († 1363/1364), author of a popular universal chronicle with encyclopedic qualities, inserts a chapter on Rome in the first book of his *Polychronicon*, where he gives a geographical outline of the world. The insertion is mainly composed of extracts from the "Marvels" of Master Gregory, who visited the City at the turn of the thirteenth century and left behind a description of the monuments of aesthetic and artistic interest, and from Martin of Troppau ('Friar Martin wrote of the foundation of it but Master Gregory about the marvels of Rome'). To this he adds some stories from William of Malmesbury. Ranulf's description of Rome embraces the *Salvatio Romae* and the finding of Pallas and attributes most importance to the statues, of Venus, Marcus Aurelius ('whom the pilgrims call Theoderic, the people Constantine, but the clerics of the curia Marcus or Quintus Curtius') and of Nero, otherwise known as *Sol* or *Roma*. The remains of the latter two stood near the Lateran. Roman monuments, however, are confined to the first book, and do not figure in later chapters of the chronicle.⁷³

The Dominican friar Iacopo d'Acqui († 1334) concludes his *Chronicon imaginis mundi*, a universal and popes' and emperors' chronicle from the Creation to 1292, with the *Mirabilia*. He used a version revised by Nicolás Rosell [† 1362] and added a list of churches and relics for pilgrims to visit.⁷⁴ References to other monuments were placed among the deeds of the emperors, according to whom he believed to have had them erected.⁷⁵ Some monuments obtain central impor-

⁷² Martin of Troppau, 'Chronicon', 422, ll. 13–5; Nardella, *Fascino*, 152, at 90–2; see also Tilmann Buddensieg, 'Gregory the Great, the Destroyer of Pagan Idols. The history of a medieval legend concerning the decline of ancient art and literature', *Journal of the Warburg and Courtauld Institutes*, 28 (1965), 44–65, at 47–8; Frugoni, 'Antichità', 7–8 and n. 12; 11; Herklotz, 'Campus Lateranensis', 29–32.

⁷³ Ranulf Higden, *Polychronicon*, 9 vols, RS, 41/1–9 (London, 1865–1886, repr. 1975), i, ed. Charles Babington, 206–38 (lib. i, c. 24), the quotations at 206–8: *frater Martinus de conditione ejus (Urbis Romae), magister vero Gregorius de urbis mirabilibus perstrinxit digna memoratu*, and 228.

⁷⁴ Iacopo d'Acqui, 'Chronicon imaginis mundi', ed. Gustavo Avogrado, *Monumenta Historiae Patriae Scriptorum*, 3 (Turin, 1848), cols 1358–1626, at 1621–6; see also Nicolás Rosell, 'De Mirabilibus civitatis Romae', in *Codice topografico*, iii, 175–96.

⁷⁵ See for example the *therme* of Nero, Commodus, and Caracalla and the *columna*

tance and are continuously ‘observed’, such as the *Capitolium*,⁷⁶ or above all the Colosseum. According to Iacopo it was built by Herodes Agrippa *ad colendum et honorandum ibi demonia*, ‘to worship and honour there the demons’, as a pagan centre of pilgrimage, and completed by the erection of the colossal statue. Later, he wrote, the emperor Commodus substituted the head of the statue for his own portrait. Finally, the sculpture was dismantled by pope Sylvester, who also had the Colosseum destroyed, and the head and hand of the *colossus* were transferred to the Lateran, where they could still be seen.⁷⁷ The grouping of emperors and monuments sometimes produces anachronisms. The building of the *castrum sancti Angeli* but not of his own mausoleum is attributed to the emperor Trajan.⁷⁸ Nero’s toad (the author takes for granted that his public is acquainted with the fabulous etymology of the Lateran: *lata rana* or the toad which was swallowed by Nero when he wanted to experience pregnancy) is buried *ubi dicitur sanctus Iohannes de Laterano*.⁷⁹

The *Mirabilia*, together with the list of Roman pilgrim indulgences, also form part of the history of ancient Rome in the *Myreur des histors*, a universal chronicle from the Flood to 1340/1400 written by the cleric and notary Jean d’Outremeuse of Liège.⁸⁰ His adaption of the *Mirabilia* sometimes tends to be idiosyncratic. For example Jean mixes up the narrative of the mausoleum of Augustus, the *temple de tout terre*, with tales about the Testaccio, the mountain of broken amphoras.⁸¹ Otto III, according to Jean, plans to construct his palace *en palais Julien Cesar*, on the Palatine, on the same site where the *Graphia* locates the monumental palace of the emperors, seat of world dominion and head of the world (*Palatium magnum monarchiae orbis in quo*

Antoniana (column of Marcus Aurelius), attributed to Caracalla: Iacopo d’Acqui, ‘Chronicon imaginis mundi’, cols 1368b; 1377a; 1379a.

⁷⁶ Ibid., cols 1370c (the *Capitolium* consumed by fire during the reign of Vespasian), 1377a (damage caused by lightning during the reign of Commodus), 1624 (*Salvatio Romae*).

⁷⁷ Ibid., cols 1366c; 1371ab; 1377a; 1624cd (the *Mirabilia*’s version: see *De Mirabilibus*, 145–6).

⁷⁸ Ibid., col. 1372a, with the heading: *quis in Roma edificavit castrum sancti Angeli*.

⁷⁹ Ibid., col. 1366b.

⁸⁰ Jean des Preis dit d’Outremeuse, *Ly Myreur des Histors*, ed. A. Borgnet and St. Bormans, 7 vols (Brussels, 1864–1887), i, 58–73 and 73–85.

⁸¹ Ibid., i, 72; see above, n. 32, and Andrea Sommerlechner, ‘Die Ludi Agonis et Testatie — Das Fest der Kommune Rom im Mittelalter’, *Römische Historische Mitteilungen*, 41 (1999), 339–70, at 350–1.

sedes et caput totius mundi est);⁸² Caesar's and Otto's residences are linked by the latter's programmatic use of the first emperor's name and of the place. The monuments, however, leave no trace in the author's version of contemporary Rome.

Roman monuments — in a quite different approach — might also be mirrored through another city's image as a 'second Rome'. The status of *altera Roma* was claimed among others by Aix-la-Chapelle, Trier, Venice, Pisa and Florence.⁸³ The *Gesta Treverorum* (ad a. 1101/1132) depict Trier, well before the foundation of Rome, with Rome-like functions and monuments including a *Capitolium* and a kind of *Salvatio Civium*.⁸⁴ Giovanni Villani establishes manifold links between Florence and Rome, where he stayed during the jubilee year 1300.⁸⁵ He stresses the contrast between the *Urbs* which is falling into decay, and Florence which is flourishing. Florence, however, founded twice by the Romans, in pagan times and during the reign of Charlemagne, mirrors the Roman monuments, both ancient and medieval, and even reflects the transformation of the first into the second. The Florentine baptistery for example, former temple of Mars erected in the time of Octavian by Roman master builders who imported the marble and columns from Rome, corresponds to the Pantheon. It resembles it even to the opening in its dome (*era aperto di sopra al*

⁸² Jean des Preis dit d'Outremeuse, *Ly Myreur des Histors*, iv, 205; *Graphia*, 81, ll. 17–9; and see above, n. 71.

⁸³ Elisabeth and Jörg Garms, 'Mito e realtà di Roma nella cultura europea. Viaggi e idea, immagine e immaginazione', in *Storia d'Italia*, coord. Ruggiero Romano, Annali, 5: *Il paesaggio*, ed. Cesare de Seta (Turin, 1982), 563–662, at 582; Ch.T. Davis, 'Topographical and Historical Propaganda in Early Florentine Chronicles and in Villani', *Medioevo e Rinascimento*, 2 (1988), 33–51, at 42–5; Salvatore Settis, 'Continuità, distanza, conoscenza. Tre usi dell'antico', in *Memoria dell'antico nell'arte italiana*, ed. Salvatore Settis, 3: *Dalla tradizione all'archeologia*, Biblioteca di storia dell'arte, n.s. 3 (Turin, 1986), 373–486, at 428.

⁸⁴ *Gesta Treverorum*, ed. G. Waitz, *MGH SS*, 8 (Hannover, 1848), 111–260, at 130–2; see William Hammer, 'The Concept of the New or Second Rome in the Middle Ages', *Speculum*, 19 (1944), 50–62, at 57–60; Ilse Haari-Oberg, *Die Wirkungsgeschichte der Trierer Gründungssage vom 10. bis 15. Jahrhundert*, Europäische Hochschulschriften, 3/607 (Bern, 1994), 23–4; Lucas Clemens, *Tempore Romanorum constructa. Zur Nutzung und Wahrnehmung antiker Überreste nördlich der Alpen während des Mittelalters*, Monographien zur Geschichte des Mittelalters, 50 (Stuttgart, 2003), 295–316.

⁸⁵ Arsenio Frugoni, 'Dante e la Roma del suo tempo', in *Dante e Roma. Atti del Convegno di Studi Roma 1965* (Florence, 1965), 73–96, at 75–6.

modo di Santa Maria Rotonda di Roma, acciochè il loro idolo Marte ch'era in mezzo al tempio fosse scoperto al cielo, 'above it was open in the manner of Santa Maria Rotonda in Rome, so that their idol of Mars who stood in the middle of the temple was exposed to the sky'), and was purified and dedicated as S. Giovanni Battista by pope Sylvester.⁸⁶

Rome, as sketched by medieval chroniclers from several centuries, consists of a very restricted number of outstanding monuments, which rarely ever take concrete form. Among the oft-mentioned fortresses, the Septizodium, stronghold of the popes and traditional scene of conclaves, is no more than a name: *Septa Solis*, *Septem Solia*, *Sedes Solis*, *Regia Solis*,⁸⁷ which evokes the *Mirabilia*'s 'identification' of the structure erected in 203 by emperor Septimius Severus at the South-East corner of the Palatine hill with a 'temple of the sun and moon'.⁸⁸ Castel Sant'Angelo, on the other hand, the most prominent monument in German chronicles, undergoes a change of names from the classical *poliandrum* (or *tumulum*) *Adriani*,⁸⁹ *Adriani imperatoris . . . fabrica*⁹⁰ via the anonymous *arx . . . inexpugnabilis, turris . . . ob altitudinem sui Inter celos vocata*⁹¹ to the *castellum Crescentii* (in remembrance of the last resistance of Otto III's opponent),⁹² the *domus Thiederici* (linked with

⁸⁶ Giovanni Villani, *Cronica*, ed. Ignazio Moutier, 3 vols (Florence, 1823), i, 137–40 (lib. iii, c. 2; second foundation *al modo di Roma*); i, 60–1, 80–2 (lib. i, cc. 42, 60; temple of Mars and baptistery); see Davis, 'Propaganda'; Miglio, 'Et rerum facta est', 314; Frugoni, 'Antichità', 43.

⁸⁷ For example *Gesta*, c. v, col. xix A (election of Innocent III); *LP*, ii, 290, 344 (see above, 226 and nn. 13–4); Matthew Paris, *Chronica Majora*, iv, 164–5 (conclave of 1241).

⁸⁸ *Mirabilia*, 58, ll. 3–4. For the medieval use of the Septizodium see Enrico Stevenson, 'Il Settizonio Severiano e la distruzione dei suoi avanzi sotto Sisto V.', *Bullettino della Commissione Archeologica Comunale di Roma*, ser. 3 (1888), 269–98, at 294–6; for medieval sources Alfonso Bartoli, 'I documenti per la storia del Settizonio Severiano e i disegni di Marten van Heemskerck', *Bollettino d'Arte*, 3 (1909), 253–69, at 254–8.

⁸⁹ Benzo of Alba, 'Ad Heinrich IV.', 244, l. 22–246, l. 1 (lib. ii, c. 16); 564, ll. 13–5 (lib. vi, c. 6).

⁹⁰ 'Brunwilarensis monasterii fundatorum actus', ed. G. Waitz, *MGH SS*, 14 (Hannover, 1883), 121–146, at 130, ll. 31–2.

⁹¹ 'Annales Quedlinburgenses', ed. G. Pertz, *MGH SS*, 3 (Hannover, 1839), 20–90, at 74, ll. 48–9; Rodulf Glaber 'Historia', ed. G. Waitz, *MGH SS*, 7 (Hannover, 1846), 48–72, at 56, ll. 11–2.

⁹² Benzo of Alba, 'Ad Heinrich IV.', 240, l. 25–242, l. 1 (lib. ii, c. 15); Frutolf and Ekkehard, 'Chronica necnon anonymi chronica imperatorum', ed. Franz-Josef Schmale and Irene Schmale-Ott, *Ausgewählte Quellen zur deutschen Geschichte. Freiherr vom Stein-Gedächtnisausgabe*, 15 (Darmstadt, 1972), 96, ll. 11–2.

Theoderic the Great)⁹³ and finally to the 'christianized' *castrum s. angeli*.⁹⁴ The Colosseum is viewed from two opposing angles: the reality of the quarry, the twelfth-century stronghold of the Frangipane and scene of battles,⁹⁵ is countered with the image of the Colosseum as Wonder of the World, symbol of Rome's eternity, which stands at the centre of the attention of *christianitas* since Bede, so that even the prosaic notary Richard of S. Germano records the collapse of a great stone during an earthquake.⁹⁶ The *Capitolium* is omnipresent as the magical (*Salvatio Romae*) and ideological centre in retrospect, and consequently as contemporary centre of imperial and communal Rome and theatre of great events and battles. The Pantheon, on the other hand, in a legend which increases in fantastic details, remains confined to its historic role as the watershed between the pagan and the christian city.

Further, Rome consists of a series of statues: 'real' statues given scholarly meaning such as the Dioscuri mentioned by Benzo; 'real' statues which attract attention as symbols of imperial and papal power, such as the equestrian statue of Marcus Aurelius; fragments which symbolize the overcoming of paganism by Christianity and serve as emblems of dominion such as the head and hand of the *colossus*; and imaginary sculptures such as the bronze statue which indicates the treasures of Augustus or Venus in the legend of the miraculous betrothal. Attention is also drawn to a selection of ideologically used *spolia*. The sarcophagi of popes Innocent II, Anastasius IV and Honorius III impress by the precious porphyry used.⁹⁷ The

⁹³ Ibid.; Thietmar of Merseburg, 'Chronicon', ed. I.M. Lappenberg and F. Kurze, *MGH SS rer. germ.*, [54] (Hannover, 1889), 182 (lib. iv, c. 30); 'Brunwilarensis monasterii fundatorum actus' 130, l. 32. See Carlo Cecchelli, 'Documenti per la storia antica e medioevale di Castel S. Angelo', *ASRSP*, 74 (1951), 27–67.

⁹⁴ See for example *LP*, ii, 252, l. 3, 259, l. 2; for references among German chroniclers see Schieffer, 'Mauern', 131–2 and note 22.

⁹⁵ See above 227 and n. 20; Ptolemy of Lucca, 'Annales', ed. Bernhard Schmeidler, *MGH SS rer. germ.*, n.s., 8 (Berlin, 1930), 47, l. 23–48, l. 2: (Innocent II) *se recollegit in domibus Frangepanensium, que erant tunc infra Coliseum, quia dicta munitio antiquitus tota fuit ipsorum*. . . .

⁹⁶ Richard of San Germano, 'Chronica', ed. Carlo Alberto Garufi, *RIS*², 7/ii (Bologna, s. a. [1938]), 174, l. 33: *et tunc de Coliseo concussus lapis ingens eversus est*; see Brentano, *Rome*, 13.

⁹⁷ See 'Cronica minor minoritae Erphordiensis', ed. O. Holder-Egger, *MGH SS rer. germ.*, [42] (Hannover, Leipzig, 1899), 486–671, at 652, l. 25–653, l. 1; see also Borgolte, *Petrusnachfolge*, 192–3.

rota in St Peter's, a segment of a porphyry column, appears as an important requisite in descriptions of the emperor's coronation.⁹⁸ The trophy which emperor Frederick II placed on the Capitoline hill after his victory at the battle of Cortenuova in 1237 created a stir among the chroniclers, who imagined either that the Romans received it with great honour to humiliate the pope or destroyed it to provoke the emperor.⁹⁹ It can be reconstructed as a composition, possibly in the manner of the *Dui Consentes* at the Forum Romanum, of the remains of the Milanese caroccio, ancient columns of *verde antico* and granite and a triumphant inscription.¹⁰⁰ Matthew Paris invents a most interesting memorial using *spolia* for the Roman podestà Brancaleone de' Andalò († 1258), consisting of a kind of head reliquary on a marble column.¹⁰¹ Rome is also the place from where *spolia* and antique objects can be fetched. John of Salisbury in a famous passage of his *Historia Pontificalis* mentions bishop Henry of Winchester shopping for ancient statues in 1149/50.¹⁰² Leo of Ostia gives a detailed account of the purchase and transport of antique

⁹⁸ See, for example, the coronation of Henry V in 1111: Frutolf and Ekkehard, 'Chronica', 256, l. 29; William of Malmesbury, *Gesta Regum Anglorum* i, 766–8 (lib. iv, c. 423); 'Chronica Monasterii Casinensis', ed. Hartmut Hoffmann, *MGH SS*, 34 (Hannover, 1980), 504, ll. 2–3.

⁹⁹ See, for example, 'Annales Placentini Gibellini', ed. H. Pertz, *MGH SS*, 18 (Hannover, 1863), 457–581, at 478, ll. 43–8; Richard of Poitiers, 'Cronica: Continuatio Itala', ed. G. Waitz, *MGH SS*, 26 (Hannover, 1882), 85–6, at 86, l. 14; Salimbene de Adam, 'Cronica', ed. Giuseppe Scalia, *Scrittori d'Italia* 232–3 (Bari, 1966), i, 135, ll. 14–5; Galvano Fiamma, 'Chronica Galvagnana', *RIS*, xvi (Milano, 1739), 635–6, at 646 B; see Andrea Sommerlechner, *Stupor mundi? Kaiser Friedrich II. und die mittelalterliche Geschichtsschreibung*, Publikationen des Historischen Instituts beim Österreichischen Kulturinstitut in Rom, 1/11 (Vienna, 1999), 388–9.

¹⁰⁰ For a reconstruction of the monument see M. Guarducci, 'Federico II e il monumento del Caroccio in Campidoglio', *Xenia. Semestrale di Antichità*, 8 (1984), 83–94; Arnold Esch, 'Friedrich II. und die Antike', in *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*, ed. Arnold Esch and Norbert Kamp, Bibliothek des Deutschen Historischen Instituts in Rom, 85 (Tübingen, 1996), 201–34, at 211–3; idem, 'L'uso dell'antico nell'ideologia papale, imperiale e comunale', in *Roma antica nel Medioevo. Mito, rappresentazioni, sopravvivenze nella "Respublica Christiana" dei secoli IX–XIII*. Settimana internazionale di studio, La Mendola, agosto 1998 (Milan, 2001), 3–25, at 8–9.

¹⁰¹ Matthew Paris, *Chronica Majora*, v, 723; E. Cristiani, 'Andalò, Brancaleone', *Dizionario biografico degli Italiani*, 3 (1961), 45–48, at 48, mistakes the passage for a realistic description of what would be a highly improbable event; the episode should be regarded as one of Matthew's 'scenes and stories'.

¹⁰² John of Salisbury, *Historia Pontificalis*, ed. and trans. Marjorie Chibnall (London, Edinburgh, 1956), 79; see also Debra J. Birch, *Pilgrimage to Rome in the Middle Ages. Continuity and Change*, Studies in the History of Medieval Religion, 13 (Woodbridge, 1998), 168 and n. 181.

columns, bases and capitals for the abbey of Montecassino by abbot Desiderius (1066).¹⁰³ Abbot Suger of Saint-Denis in his *libellus de consecratione S. Dionysii* imagines coming to Rome and looking for *spolia*. Purchasing remains of Roman antiquity becomes a literary as well as a 'monumental' topos.¹⁰⁴

This paper, which makes no claim to be exhaustive, offers a survey of the different patterns created by medieval historiographers in dealing with, describing, interpreting, and using as a topographical setting the remains of ancient Rome. It concludes with a short description of the appearance of the city's most prominent ancient monuments in a variety of historical works. From a utilitarian point of view, history-writing contributes in fragmentary form to our reconstruction of ancient monuments in their medieval state and use. Medieval chroniclers, both Rome-centred like the authors of the *Liber Pontificalis* and foreign, such as the observers and commentators on coronations and armed conflicts in the city, made use of ancient monuments to locate important events of their narratives, thereby providing valuable information for the 'topography of power'. Whether critical or approving, pondered or not, historians are witnesses testifying to the ideological use of ancient topography and monuments made by popes, emperors and the Roman commune. When comparing the physical and the ideal city of Rome, chroniclers alternately meditated on the decline of greatness, rejoiced at the conversion of pagan to Christian monuments, or illustrated their continuity by means of the buildings, statues and *spolia*. Finally, they often just enjoyed telling the stories attached to the monuments and sites of the ever fascinating Roman *Urbs*. Elements of all these different approaches could be freely combined, making Roman history a quarry for images and ideas, just as Roman monuments often were for building material.

¹⁰³ 'Chronica monasterii Casinensis', 394, ll. 20–5; see Beat Brenk, 'Sugers Spolien', *Arte medievale*, 1 (1983), 101–7.

¹⁰⁴ Settis, 'Continuità', 387–91.

THE CHURCH AND MONASTERY OF S. PANCRAZIO, ROME

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In 1204 Pope Innocent III visited the church of S. Pancrazio, where he officiated at the coronation of Peter II, King of Aragon and Count of Barcelona.¹ The Spanish prince and his entourage had come to Rome by sea in five ships, which were anchored off the island between Porto and Ostia. Important prelates and 'noble and prudent clerics' ('clerici nobiles et prudentes') accompanied him, as did his godfather, Sancho, and many other noble and powerful men.² When the royal party arrived at the Vatican, Pope Innocent sent some cardinals, the Senator of the city, and other important officials to meet them. The pope arranged for them to be housed honourably with the Canons of St. Peter's.

On the third day of the royal visit, which was the feast of Saint Martin (November 11) Pope Innocent set out for the church and monastery of San Pancrazio near Trastevere. Cardinal bishops, presbyters, deacons, a choir, the Primicerius and the Senator of Rome, judges, lawyers, scribes, nobles and a large crowd of ordinary folk accompanied the pope. After the bishop of Porto had anointed the prince, Innocent III crowned him with his own hands. He bestowed on him the universal emblems of royalty: the cloak and tunic, sceptre and orb, crown and mitre. King Peter then swore an oath on the Gospels to be faithful and obedient to Pope Innocent III and his catholic successors, and to the catholic Church. He promised to keep his kingdom faithfully obedient to the Holy See, to defend the catholic faith, and to punish heretics. He undertook to guard the liberty and immunity of the Church, and to defend her laws. He promised to conserve peace and justice in all his lands, with the help of God and the Holy Gospels.

¹ *Gesta*, cc. cxx–cxxii, cols clix–clxi. See also D. Smith, 'Motivo y significado de la coronación de Pedro II de Aragón', *Hispania*, 60 (2000), 163–179.

² *Gesta*, c. cxx.

Amid public acclamations of great praise and favourable applause, the crowned monarch returned with the pope to the basilica of Saint Peter. He deposited his sceptre and crown on the altar, dedicating his kingdom to the Prince of the Apostles, and accepted from Pope Innocent a military ensign. He promised an annual sum of money to the Holy See. After the ceremony at the Vatican the pope accompanied the king and his party through the streets of Rome to S. Paolo fuori le mura, where they boarded their vessels, which had in the meantime been prepared for their departure. Armed with an apostolic blessing, King Pedro and his party returned to Spain.

The coronation was significant for its royal and papal symbolism. King Peter received the insignia of his office from Pope Innocent. He swore allegiance to the pope and he promised to defend the Church. By crowning him in Rome, Innocent III claimed spiritual authority over him, as he would over the Holy Roman Emperor, who had to come to the eternal city for his coronation. Innocent's donation of a flag parallels the famous image of Saint Peter, with Pope Leo III and Charlemagne kneeling at his feet in the late eighth-century banqueting-hall (*triclinium*) at the Lateran Palace. In that mosaic Saint Peter hands Pope Leo a pallium, signifying spiritual authority, and 'King Charles' a banner, symbolising his military power to defend the Church.³

The places where the ceremonies were enacted were especially meaningful. It must have been poignant for King Peter to receive his ensign at the altar and tomb of his patron saint, Peter. It was also significant that he took his first oath of fealty at the church of S. Pancrazio, for the early Christian martyr was famous as an avenger of false oaths.⁴ In a sense the saint guaranteed the Spanish king's promises.

This paper traces the history of the church and monastery of S. Pancrazio in Rome, from their foundation until c. 1438. Particular attention is paid to what is known of the layout of the church and

³ R. Krautheimer, *Rome: profile of a City, 312-1308* (Princeton, 1980), 115-116 and Fig. 90. The inscription on the mosaic refers to Charlemagne as King and not Emperor, as one might expect.

⁴ '... Panchratus martyr valde in periuribus ultor', Gregory of Tours, *Miraculorum lib. I: Liber in Gloria Martyrum*, c. 38, *Gregorii episcopi Turonensis miracula et opera minora*, ed. B. Krusch, MGH Scriptores Rerum Merovingicarum I/2 (Hanover 1885, rev. repr. Hanover 1969) 62.

monastic buildings in the Middle Ages, and the religious communities that prayed and lived in them, including monks from 594 and Cistercian nuns from 1255 until 1438.

Little is known for sure about Saint Pancras. His name in Greek means 'all-powerful'.⁵ According to tradition, the saint was born into a pagan family in Phrygia.⁶ When he was a young boy his parents died, and his uncle, Dionysius, took him to Rome, where they both became Christians. Dionysius died naturally, but Pancras was condemned to death for his faith, when he was barely fourteen years old. He was beheaded near the Via Aurelia, and thus won the palm and crown of an athlete of Christ. According to tradition, a pious woman named Ottavilla gathered up his mortal remains and buried them nearby on 12 May, the martyr's feastday.⁷ His martyrdom evidently took place in the reign of Diocletian (284–305) in the year 304.⁸

The tomb of Saint Pancras was venerated in a catacomb along the Via Aurelia, the site of the later church.⁹ The church is outside the Aurelian Walls, on the Janiculum Hill overlooking Trastevere. The Strozzi map of 1474 shows a church, which must be S. Pancrazio, a short distance beyond the Aurelian Gate, which is marked 'p. aurelia'.¹⁰ Giovanni Maggi's Map of 1625 has a vignette of the basilica of S. Pancrazio and its contiguous monastery in the countryside a short distance from the Walls of Rome.¹¹

While a shrine may have covered the martyr's grave as early as the fourth century, it is only from the end of the fifth century that a church is documented. Pope Symmachus (498–514) erected a basilica dedicated to Saint Pancras on the site of his grave and in it he

⁵ While alluding to manly strength and courage, the name may also have suggested that he would excel in sport, since a specialised wrestler in Greco-Roman antiquity was called a 'pancratist'.

⁶ AASS, Mai iii, 21; *Bibliotheca Hagiographica Latina*, ed. Socii Bollandisti, Subsidia, 6 (Brussels 1898–99, repr. 1992), 929 n. 6428h. For the Latin and Greek versions of the *Passio S. Pancratii*, see P. Franchi de'Cavalieri, *Hagiographica*, Studi e Testi, 19 (Vatican City, 1908), 77–112.

⁷ Franchi de'Cavalieri, *Hagiographica*, 82–83.

⁸ Some versions of the saint's *Passio* give the date of his death in the third century under the Emperor Valerian (258), as noted by Franchi de'Cavalieri, *Hagiographica*, 93–96.

⁹ J.P. Kirsch, 'Le memorie dei martiri sulle vie Aurelia e Cornelia', in *Scritti di Storia e Paleografia: Miscellanea Francesco Ehrle*, Studi e Testi, 38, 2 vols (Vatican City, 1924), ii, 63–100, at 65–71. The catacomb may have been that of Calepodius.

¹⁰ A. Frutaz, *Le Pianta di Roma*, 3 vols (Rome, 1962), ii, Tav. 159.

¹¹ Frutaz, *Le Pianta di Roma*, ii, Tav. 322.

placed a silver arch; he also built a 'bath' or thermal establishment nearby.¹² His silver arch, which weighed only fifteen pounds, was probably quite small.

In his account of the Gothic Wars in 535–53 Procopius recorded that the Aurelian Gate in the city wall was normally called 'Porta Pancratiana' after Saint Pancras by the sixth century.¹³ Pope Pelagius I (556–561) and Narses, the Byzantine general who succeeded Belisarius and eventually liberated Italy from the Goths, prayed a litany in the church of S. Pancrazio, before proceeding to St. Peter's singing hymns and spiritual canticles in 556.¹⁴

Since Saint Pancras was a powerful and revered martyr, people wished to be buried close to his remains, as a number of epitaphs from the sixth century attest.¹⁵ These inscriptions also indicate that the priests of S. Crisogono in Trastevere were responsible for the church on the Janiculum, since their permission had to be obtained in order to be buried close to Saint Pancras. A provost of S. Pancrazio was named in one of the inscriptions.¹⁶ That he was only a provost, and there was no resident priest, may mean that in the sixth century the basilica was neither large nor important.¹⁷

In the late sixth century Gregory of Tours referred to Saint Pancras in his book, the *Glory of Martyrs*.¹⁸ He noted that the martyr was

¹² 'Eodem tempore fecit basilicam sancti Pancretatii ubi et fecit arcum argenteum pens. Lib. XV; fecit autem et in eodem loco balneum.' *LP*, i, 262. See also *The Book of the Pontiffs (Liber Pontificalis)*, translated and revised, ed. R. Davis (Liverpool, 2000) 47. There is another reference to the work of Symmachus in the Laurentian fragment, '... nonnulla etiam cymeteria et maxime sancti Pancrati renovans plura illic nova quoque construxit', cited in R. Krautheimer, S. Corbett and W. Frankl, *Corpus Basilicarum Christianarum Romae*, Monumenti di Antichità Cristiana, II serie, 5 vols (Vatican City, 1967), iii, 155. For a general account of the church and its history, see M. Cecchelli, *S. Pancrazio*, Le Chiese di Roma Illustrate, 124 (Rome, 1972).

¹³ Procopius, *Gothic Wars* I. 18, *Corpus Scriptorum Historiae Byzantinae*, xix, ed. B.G. Niebuhr (Bonn 1833, repr. Ann Arbor 1985) 92. Pope Urban VIII (1623–44) rebuilt Porta S. Pancrazio to the design of Giovanni Antonio de Rossi.

¹⁴ *LP*, i, 303; *The Book of the Pontiffs*, 61; Krautheimer et al., *Corpus Basilicarum*, iii, 155.

¹⁵ G.B. De Rossi, *Inscriptiones christianae urbis Romae septimo saeculo antiquiores* (Rome, 1857) i, 442, 481, 527; A. Silvagni, *Inscriptiones christianae urbis Romae* (Rome, 1935), ii, 58, nn. 4279 and 4280; see also O. Marucchi, *Basiliques et églises de Rome* (Paris and Rome, 1909), 495–7; G. Ferrari, *Early Roman Monasteries* (Vatican City, 1957), 342; Krautheimer et al., *Corpus Basilicarum*, iii, 155.

¹⁶ Ferrari, *Early Roman Monasteries*, 342, n. 2. Duchesne suggests he may have been the guardian of the basilica, *LP*, i, 267, n. 31.

¹⁷ Krautheimer et al., *Corpus Basilicarum*, iii, 172.

¹⁸ Gregory of Tours, *De Gloria Martyrum*, c. 38, ed. 62–63.

buried not far outside the walls of Rome.¹⁹ According to Gregory, any perjurer who approached the saint's tomb would be snatched by a demon or struck dead before he reached the chancel screens and the arch where the choir stood.²⁰

Pope Gregory I (590–604) came to the basilica of S. Pancrazio on the martyr's feast day, 12 May, and gave a sermon, which he included in his collection of homilies.²¹ In the course of his homily Gregory described the emotional response of the congregation, '... for the celebration of the martyr many of you have gathered, have knelt down, have beaten your breast, have uttered prayers and professions of faith, and have irrigated your faces with tears'.²²

The cult of Saint Pancras had spread beyond Rome at that time. Churches were erected in his honour, or contained his relics. For example, Pope Gregory in a letter to Bishop Palladius of Saintes mentioned that he had sent the prelate relics of Saints Peter and Paul, Lawrence and Pancras, for the new basilica he had constructed.²³

Pope Gregory also wrote a letter to Abbot Maurus concerning the church of S. Pancrazio in 594.²⁴ This seems to have followed his visit to the basilica. He noted that the church of S. Pancrazio had been committed to the care of the priests of S. Crisogono in Trastevere. They were, however, neglecting their sacred duty. The pope had been informed that when people came to the church for Mass on Sunday no priest was to be found, and they went away dissatisfied. To rectify the situation Gregory decided to establish a monastery adjoining the church, so that the abbot would ensure that everything was done properly. Maurus was to be the first abbot. Gregory

¹⁹ '... haud procul ab huius urbis muro...', Gregory of Tours, *De Gloria Martyrum*, c. 38, ed. 62.

²⁰ 'Ad cuius sepulchrum si cuiusquam mens insana iuramentum inane proferre voluerit, priusquam sepulchrum eius adeat, hoc est, antequam usque ad cancellos, qui sub arcu habentur, ubi clericorum psallentium stare mos est, accedat, statim aut arripitur a daemone aut cadens in pavimento amittit spiritum', Gregory of Tours, *De Gloria Martyrum*, c. 38, ed. 62–63.

²¹ Gregorius Magnus, *Homiliae in Evangelia*, Lib. II, Homilia XXVII: ... habita ad populum in basilica sancti Pancratii, die natalis ejus, ed. R. Étaix, CCSL, 141 (Turnhout 1999) 229–238.

²² Gregorius Magnus, *Homiliae in Evangelia*, Lib. II, Homilia XXVII, 7: 149–151, CCSL 141, 235.

²³ Gregorius Magnus, *Registrum Epistolarum*, Lib. VI, 50, ed. D. Norberg, CCSL 140, (Turnhout 1982) 423.

²⁴ Gregory the Great, *Registrum Epistolarum*, Lib. IV, Ep. 18, CCSL 140, 236–237.

endowed the monastery with lands. He enjoined Maurus to repair the church, and have a peripatetic priest come to say Mass on solemn feast days.²⁵ Above all he was to take care that the monks recited the Divine Office every day at the most holy body of blessed Pancras.

Founding a monastery beside a martyr's tomb was not an innovation. Pope Sixtus III (432–40) had established one near the tomb of Saint Sebastian along the Via Appia.²⁶ Pope Leo I (440–61) had set up a monastery near St. Peter's.²⁷ Pope Hilarius (461–68) had founded one near the tomb of Saint Lawrence along the Via Tiburtina.²⁸ Gregory the Great was continuing a Roman tradition of establishing monastic communities to serve at the martyrs' shrines outside the city.

Yet it was also part of Pope Gregory's broader policy to foster monasticism and to employ monks in the service of the Church. Gregory was the first to write a biography of the founder of western monasticism, Saint Benedict, who was still alive when Gregory was a boy.²⁹ As a young man, Gregory had established a monastery and lived as a monk in his family home on the Celian Hill.³⁰ He commissioned Saint Augustine of Canterbury and a party of monks to go as missionaries to England in 597, as Bede relates.³¹ In many of his letters Gregory writes to or refers to monks and nuns in the monasteries of Rome. It is not surprising that he employed monks to bring order to the basilica of S. Pancrazio. Under their care, the monastery prospered, and the cult of Saint Pancras flourished.

Early in the seventh century Pope Honorius I (625–38) rebuilt the basilica of S. Pancrazio on a larger scale. While early texts say he erected the church from the foundations,³² the medieval guidebook,

²⁵ Ferrari notes that the term 'peregrinus' was used of the priest, meaning a pilgrim, or peripatetic cleric rather than one of the monks, who were probably not ordained, Ferrari, *Early Roman Monasteries*, 341–42.

²⁶ 'Fecit monasterium ad catacumbas', *LP*, i, 234; *The Book of the Pontiffs*, 38.

²⁷ 'Hic constituit monasterium apud beatum Petrum apostolum', *LP*, i, 239; *The Book of the Pontiffs*, 39–40.

²⁸ 'Hic fecit monasterium apud sanctum Laurentium', *LP*, i, 245; *The Book of the Pontiffs*, 42.

²⁹ Gregory the Great, *Dialogorum*, Book II, many eds.; see for example Grégoire le Grand, *Dialogues*, 3 vols, transl. and ed. Adalbert de Vogüé, SChr, 251 (Paris 1978) ii, 126–249.

³⁰ *LP*, i, 312; *The Book of the Pontiffs*, 63; see also Ferrari, *Early Roman Monasteries*, 138–51.

³¹ *Bede's Ecclesiastical History of the English People*, ed. B. Colgrave and R.A.B. Mynors (Oxford, 1969), 1.23–2.1, pp. 68–135.

³² '...fecit basilicam beato Pancratio martyri via Aurelia, miliario secundo, a

the *Notitia Ecclesiarum*, claims that he merely reconstructed the beautiful church in great part.³³ He adorned the tomb of the martyr with silver, set up a silver ciborium over the altar and five silver arches and donated three gold candelabra and many other goods.³⁴ He decorated the chancel with fine mosaics.³⁵

Some writers have claimed that nothing of the seventh-century basilica survived after it was badly damaged by French Revolutionary troops in 1798.³⁶ The Roman Republic took over the church in May 1799 and had an evaluation made of the property with the intention of selling it. To this end in 1811 a government report noted that the church was totally devastated within and without.³⁷ Despite the fact that there were no altars and in places there was no floor, a decree was passed to repair the church in a campaign which was completed in 1816.³⁸ The basilica was damaged again in 1849.

In spite of the devastation and the later repairs, Nestori and Krautheimer found significant stretches of seventh-century masonry in the apse, transept, south aisle wall and clerestory (Fig. 1).³⁹ Using

solo . . .', *LP*, i, 324; *The Book of the Pontiffs*, 66; and '... a fundamentis noviter . . . construxit . . .' in the inscription recorded in the apse, in the Einsiedeln sylloge, published by De Rossi, *Inscriptiones Christianae Urbis Romae*, ii, 24, no. 28. The full text of the inscription is as follows: 'IN ABSIDA S(AN)C(T)I PANCHRATII. ob insigne meritu(m) et singulare beati pan/chratii martyris beneficium basilicam/ vetustate confecta(m) extra corpus mar/tyris neglecti antiquitatis extructa(m)/ Honorius ep(isco)p(u)s d(omin)i famulus abrasa vetustatis/ mole ruinaq(ue). minante/ a fundam(en)tis/ noviter plebi d(e)i construxit et corpus/ martyris, quod ex obliquo aulae iacebat,/ altari insignibus ornato metallis loco/ proprio collocavit.'

³³ '... ambulas ad s(an)c(tu)m pancratium cuius corpus quiescit in formosa eccl(esia) via aurelia quam s(an)c(tu)s honorius p(a)p(a) magna ex parte reaedificavit', *Notitia Ecclesiarum*, in G.B. de Rossi, *La Roma Sotterranea* (Rome, 1864), i, 140. The difference between the two versions of events was pointed out in Krautheimer et al., *Corpus Basilicarum*, iii, 155.

³⁴ *LP*, i, 324; *The Book of the Pontiffs*, 66.

³⁵ Referred to in the inscription formerly in the apse, Einsiedeln sylloge, in de Rossi, *Inscriptiones Christianae*, ii, 24. '... insignibus ornato metallis'.

³⁶ For example, M. Armellini, ed. C. Cecchelli, *Le Chiese di Roma dal secolo IV al XIX*, 2 vols (Rome, 1942), ii, 1181–1187, esp. 1184. That the church was abandoned in 1798 and restored in 1814, is reported by A. Nibby, *Itinerario di Roma e delle sue Vicinanze*, 3 vols (Rome, 1840), ii, 154.

³⁷ According to architect Giacomo Palluzzi and Joseph Francois Pelletier, it would be too costly to repair. Another architect, Filippo Nicoletti, listed what was needed to restore the church and monastery. See Rome, Archivio di Stato, Camerale III, b. 1908, S. Pancrazio.

³⁸ F. Giambattista di Giuseppe, *Il Cimitero di Calepodio ovvero La Chiesa di S. Pancrazio Martire. Memoria, pubblicata in occasione del compimento del gran restauro fatta in detta Basilica* (Perugia, 1816), xxxix.

³⁹ A. Nestori, 'La Basilica di San Pancrazio in Roma', *Rivista di Archeologia Cristiana* 36 (1960), 213–48; Krautheimer et al., *Corpus Basilicarum*, iii, 153–174.

this evidence, Krautheimer had reconstruction drawings made of Honorius I's basilica (Fig. 2). The church had its apse in the north-west, not in the east. (In this paper, however, the apse will be cited as in the west, and the rest of the building oriented accordingly.) The basilica had a nave, two aisles, a transept and an apse. Colonnades, probably with ten columns apiece, separated the nave and aisles, where there are now five piers on either side.⁴⁰ Two columns supporting a triple arcade still stand on a low ledge on either side of the high altar. They may have formed part of a tripartite transept, like the one Krautheimer reconstructed at S. Pietro in Vincoli, or they may have formed part of a Latin cross-shaped church in the Middle Ages, as Nestori suggested less convincingly.⁴¹ The basilica was 55.50 m. long (including nave, transept and apse) and 26.69 m. wide (including nave and aisles).⁴² This made the church comparable in size to the late fourth and fifth-century basilicas of S. Clemente, SS. Giovanni e Paolo, S. Lorenzo in Lucina, S. Pietro in Vincoli and S. Sabina.⁴³ It was unusual for a church to be so large in seventh-century Rome. Honorius I's basilica at the grave of the Roman martyr, Saint Agnes, was considerably smaller, but also very ornate, with its galleries above the aisles and a fine apse mosaic, all of which have survived.⁴⁴ Beneath the apse of S. Pancrazio Honorius built an annular crypt, like that inserted c. 590 under the apse of Old St. Peter's.⁴⁵ Steps located in the side wings of the transept led down to a passageway, 2.50 m. high and 1.80 m. wide, which followed the curve of the apse (Fig. 1). From the centre of the curved crypt, a straight corridor led to the martyr's grave, under the high altar. This made it possible for pilgrims to come close to the tomb, without approaching the high altar.

⁴⁰ The piers date from the restoration of the church by Cardinals Lodovico and Cosmo de Torres in 1608–9, see O. Panciroli, *Tesori Nascosti nell'Alma Città di Roma* (Rome, 1625 edn), 570; Nibby, *Itinerario di Roma*, ii, 154.

⁴¹ R. Krautheimer, 'S. Pietro in Vincoli and the tripartite transept in the early Christian basilica', *Proceedings of the American Philosophical Society* 84 (1941), 353–429; Krautheimer et al., *Corpus Basilicarum*, iii, 174 for the tripartite transept, and Nestori, 'La Basilica', 220, 225 for the Latin cross-shaped church.

⁴² Krautheimer et al., *Corpus Basilicarum*, iii, 170.

⁴³ Krautheimer et al., *Corpus Basilicarum*, iii, 173–4.

⁴⁴ A. P. Frutaz, *Il Complesso monumentale di Sant'Agnese* (Rome, 1992); M. Visser, *The Geometry of Love: Space, Time, Mystery, and Meaning in an ordinary church* (Toronto, 2000).

⁴⁵ Krautheimer et al., *Corpus Basilicarum*, v, 260.

A small altar was built in the crypt and decorated with 'Cosmatesque' marble inlay in the thirteenth century.⁴⁶

In the eighth century Pope Adrian I (772–95) restored both the church of S. Pancrazio, which had fallen into ruin, and the monastery, now called 'Saint Victor' beside it.⁴⁷ The pope also donated thirty-eight purple and linen curtains to the church, no doubt to decorate the interior on feast days.⁴⁸ His successor, Pope Leo III (795–816) continued his predecessor's custom of donating gifts to the major monasteries in Rome, among which Saint Victor beside S. Pancrazio ranked highly. He gave the church a purple hanging adorned with the scene of Christ's Ascension, a silver ciborium and a silver crown.⁴⁹ The martyr's relics were never removed from the site, as was the case with many other early Christian martyrs, whose remains were brought into the city from the catacombs in the eighth and ninth centuries.⁵⁰ The monastery was considered seventh in importance among Roman monasteries,⁵¹ and from the eleventh century it was named 'Saint Victor near S. Pancrazio', or Saint Victor and Saint Pancras.⁵²

Unfortunately, the archives of the monastery disappeared in 1849.⁵³ Before that Abbot Augustin Lubin examined the documents and referred briefly to a few of them.⁵⁴ In 1117 and 1160 there were

⁴⁶ A.M. D'Achille, 'La basilica di San Pancrazio: via Aurelia miliario secundo' in *Le virtù e i piaceri in Villa*, ed. C. Benocci (Milan, 1998), 32.

⁴⁷ *LP*, i, 508: 'Videlicet et basilicam beati Pancratii martyris nimia vetustate dirutam atque ruinis praeventa, isdem almificus praesul omnia in integro a noviter nimio decore una cum monasterio sancti Victoris ibidem situm restauravit.' See also *The Lives of the Eighth-Century Popes (Liber Pontificalis)*, transl. and ed. R. Davis (Liverpool 1992) 160. This is the first reference to the monastery with the name, 'Saint Victor', but the name may be much older, as noted by Ferrari, *Early Roman Monasteries*, 341, 343.

⁴⁸ *LP*, i, 504; see also *Lives of the Eighth-Century Popes*, 144 and 154.

⁴⁹ *LP*, ii, 9, 10–11 and 20; *Lives of the Eighth-Century Popes*, 194, 196, 212 and 214.

⁵⁰ Kirsch, 'Le Memorie', 65.

⁵¹ A. Lubin, *Abbatiarum Italiae Brevis Notitia* (Rome, 1693), 341, LXIII; C. Huelsen, *Le Chiese di Roma nel Medioevo* (Florence, repr. 1975), 409; Krautheimer et al., *Corpus Basilicarum*, iii, 156.

⁵² A document dated 18 February 1018 names the monastery after both the martyrs, Victor and Pancras; it was published by L. Schiaparelli, 'Le Carte antiche dell'archivio capitolare di S. Pietro in Vaticano', *Archivio della Società Romana di Storia Patria* 24 (1901), 450–453; this is also referred to in *Italia Pontificia*, i, 176.

⁵³ *Italia Pontificia*, i, 177.

⁵⁴ Lubin, *Abbatiarum Italiae*, 341.

exchanges between the abbot of Saints Pancras and Victor and the abbot of S. Andrea ad Clivum Scauri over landed property. Pope Alexander III in 1175 issued a Bull addressed to Amabilis, abbot of 'S. Pancratii trans-Tiberim', and the monks established there according to the Rule of Saint Benedict. The pope enumerated the possessions of the monastery, the first of which was the church of S. Pietro in Montorio.⁵⁵ By the late twelfth century the monastery was one of the wealthiest in Rome.

In 1244–49 Abbot Hugo had splendid liturgical furniture made for the church, including ambos, a Paschal Candlestick, and marble parapets. Drawings show they were of late 'Cosmateque' design, incorporating roundels of precious coloured marble and guilloche borders of enamelled mosaic patterns. Most of the furnishings, however, were destroyed by French Revolutionary troops in 1798, although a few fragments were later found, which were immured in the church of S. Pancrazio or taken to the Vatican Museums.⁵⁶ By then, however, all the precious marble inlay had been removed.

In the late seventeenth century Ciampini illustrated the two ambos.⁵⁷ Some drawings of the liturgical furniture made by the eighteenth-century architect, Giacomo de Sanctis, also survive.⁵⁸ There are two views and a plan of the apse, which show the clergy bench, two marble tables and the papal throne, which was used during papal visits and by other clergy during solemn liturgies.⁵⁹ The papal throne was raised up on three steps, and flanked by a clergy bench, while the marble tables stood on either side of the apse. Two drawings

⁵⁵ Lubin, *Abbatiarum Italiae*, 341. Kehr dates this Bull 18 January 1176, *Italia Pontificia*, i, 177.

⁵⁶ A. Muñoz, 'Nelle chiese di Roma: ritrovamenti e restauri', *Bollettino d'Arte* 6 (1912) 14–15; Cecchelli, *S. Pancrazio*, 80–81, Fig. 20; D'Achille, 'La basilica di San Pancrazio', 21–35.

⁵⁷ J.B. Ciampini, *Vetera Monumenta*, i (Rome 1690), 24 and Tab. XIII, Figs. 3 and 4.

⁵⁸ The de Sanctis drawings are now in the Biblioteca Nazionale Centrale di Roma, Ms Vitt. Em. 552. The volume must have belonged to an Englishman at one time, since the first folio lists the drawings in English. They were published by A. Muñoz, 'La decorazione e gli amboni cosmateschi della basilica di San Pancrazio fuori le Mura', *L'Arte* 14.2 (1911) 97–106, and have been illustrated and discussed more recently in D'Achille, 'La basilica di San Pancrazio', 27–32.

⁵⁹ Rome, Biblioteca Nazionale Centrale di Roma, Ms. Vitt. Em. 552, fo. 8, A and B. For papal thrones in some other medieval Roman basilicas, see F. Gandolfo, 'Reimpiego di sculture antiche nei troni papali del XII secolo', *Rendiconti della Pontificia Accademia di Archeologia* 47 (1974–75) 203–218.

represent the Gospel ambo, which was decorated with twisted colonnettes and an eagle, and the fluted Paschal Candlestick, which was surmounted by a Corinthian capital, while a plan of the ensemble provides explanatory notes.⁶⁰ The plainer Epistle pulpit was also drawn and annotated.⁶¹ Both pulpits stood on a plinth supported by two marble lions.

On the Gospel ambo was an inscription in mosaic. It stated that in the name of the Lord in the year of his incarnation 1249, in the sixth year of the pontificate of Pope Innocent IV on 15 January in order to give thanks for a heavenly gift from Saint Pancras, Abbot Hugo had this work made.⁶² Parts of another inscription, with the date 1244, have survived from the Epistle pulpit.⁶³ There are also some fragments of inscriptions, which were carved or made in mosaic on the ambo. These stated that, 'Here divine praise is sung by the lector', 'he made this work' and 'read', while another verse recommended that the lector should pay attention to the sacred meaning of what he was reading.⁶⁴ These fragmentary inscriptions refer to the use of the liturgical furniture in the celebration of the Mass and the Divine Office.

Only a few years after 1249 the monastery was transformed into a Cistercian nunnery and it is not clear what happened to the monks. On 24 September 1255 Pope Alexander IV (1254–61) wrote to John,

⁶⁰ Biblioteca Nazionale Centrale di Roma, Ms. Vitt. Em. 552, fos. 9, A and B; 10, A and B.

⁶¹ Biblioteca Nazionale Centrale di Roma, Ms. Vitt. Em. 552, fos. 11, A and B; 12, A and B.

⁶² 'IN NO(MI)NE D(OMI)NI. ANNO D(OMI)NICE INCARNATIONIS. M. CC.XLVIII. ANNO SEXTO PONTIFICATUS D(OMI)NI INNOCE(N)TH. III. P(A)P(AE). INDICT(I)ONE SEPTIMA. MESE IANU(A)RII DIE. XV. DETUR PANCRA(TI) CELESTIS GRATIA DONI. HOC OPUS ABB(AT)I FIERI QUI FECIT HUGONI.'. See Ciampini, *Vetera Monumenta*, i, 24; Muñoz, 'La decorazione', 100; d'Achille, 'La basilica di San Pancrazio', 28, 30.

⁶³ See Krautheimer et al., *Corpus Basilicarum*, iii, 156, referring to E. Josi, 'Monumenti, Musei e Gallerie', *Rendiconti della Pontificia Accademia* (1951–52), 396.

⁶⁴ The words and phrases, 'HIC LAUS DIVINA LECTOR(E) CANITUR', and 'FECIT HOC OPUS', 'LEG' and '(qui) LEGIT ADTENDAT AD QUID SACRA (L)ECTIO TENDAT . . . AD CULM(EN) . . . (?)HIT OMNES VOCE . . .', are the most legible and intelligible fragments that survive. What remains of the inscriptions is discussed and illustrated in Cecchelli, *S. Pancrazio*, 45, n. 48, 53–54, n. 83, 80–85; d'Achille, 'La basilica di San Pancrazio', 29. Surprisingly, nothing is said about this 'Cosmatesque' liturgical furniture in P.C. Claussen, *Magistri Doctissimi Romani. Die römischen Marmorkünstler des Mittelalters*, *Corpus Cosmatorum* 1 und Forschungen zur Kunstgeschichte und christliche Archäologie 14 (Stuttgart 1987).

Cardinal of S. Lorenzo in Lucina, regarding a group of women known as 'Repentite', or Penitents, who were living a religious life of conversion and penance in Rome.⁶⁵ (This community was probably similar to the informal groups of semi-religious women, or 'bizoke', of earlier times.)⁶⁶ To help the Penitents and those who might succeed them in their religious ideals the pope urged the cardinal to grant them the church of S. Maria sopra Minerva, or another church more suited to their needs in Rome, with all its houses, gardens, possessions, rights and appurtenances. One wonders whether the pope and cardinal already had a particular church in mind, although none is named. The church of S. Maria sopra Minerva in 1255 belonged to the Benedictine nuns of S. Maria in Campo Marzio, and it is likely that the Penitents lived in one of the houses attached to the church for a short time.⁶⁷ On 1 December 1255 Pope Alexander IV wrote another letter to the cardinal approving the transfer of the women from S. Maria sopra Minerva to S. Pancrazio.⁶⁸ The reason for the move was officially the unsuitability of the place and the discomfort of their accommodation at S. Maria sopra Minerva.⁶⁹ This time the pope noted that the Penitents were living in the habit and according to the observance of the Cistercians.⁷⁰

There is little evidence for how the community changed from a group of Penitents to Cistercian nuns. John, Cardinal of S. Lorenzo

⁶⁵ The papal letter is published in *Bullarium Ordinis FF Praedicatorum*, ed. A. Bremond (Rome, 1739), i, 287, under the heading, 'Mulieribus Repentitae vulgo nuncupatis Aedes sacras Sanctae Mariae supra Minervam concedit.' No doubt it was kept by the Dominicans because they took possession of S. Maria sopra Minerva twenty years later in 1275. See also *Les Registres d'Alexandre IV*, ed. C. Bourel de la Roncière, et al. (Paris, 1895–1959), no. 821. Cardinal John was an Englishman, who had studied medicine at Toledo, for which reason he was often referred to as 'John of Toledo', before becoming a Cistercian monk. For the biography of Cardinal John, see A. Paravicini Bagliani, *Cardinali di Curia e "familiari" cardinalizie dal 1227 al 1254 Italia Sacra* 18–19, 2 vols. (Padova 1972) i, 228–241.

⁶⁶ For these earlier groups of religious women, see B. Bolton, 'Mulieres Sanctae', in *Sanctity and Secularity: The Church and the World*, ed. D. Baker (Oxford, 1973) 77–95; and B. Bolton, 'Daughters of Rome: All One in Christ Jesus', in Bolton, *Innocent III*, nr. XVI, 101–115.

⁶⁷ G. Palmiero and G. Villetti, *Storia edilizia di S. Maria sopra Minerva in Roma, 1275–1870*, Studi e Documenti, 1 (Rome, 1989), 31. The church was rebuilt by the Dominicans in the 1280s.

⁶⁸ *Les Registres d'Alexandre IV*, 265–6, n. 895.

⁶⁹ '... multa ibi propter ineptiam loci patiantur incommoda sustineant detrimenta...', *Les Registres d'Alexandre IV*, 266, n. 895.

⁷⁰ '... sub habitu et observantia Cisterciensis ordinis commorantur.' *Les Registres d'Alexandre IV*, 266, n. 895.

in Lucina, was a Cistercian himself, and hence sometimes called the 'White Cardinal'; he established other Cistercian nunneries, such as S. Giuliana in Perugia and S. Maria al Paradiso in Viterbo.⁷¹ It is therefore likely that he arranged for the community of Penitents in Rome to change from an informal religious group into a strictly enclosed Cistercian nunnery.⁷² In answer to a request from the cardinal of S. Lorenzo in Lucina, on 23 April 1256 the pope approved the transfer to the community and nunnery of S. Pancrazio of the monastery of S. Angelo 'sub Ripa' near Cerveteri with all its property.⁷³ In this way Cardinal John and Pope Alexander provided a suitable income for the new foundation, which had developed from a poor and humble group of women.

About this time, in the middle of the thirteenth century, Cistercian monks were looking after nuns, whereas they had refused to do so earlier, having legislated against the pastoral care of nuns in 1228.⁷⁴ Yet, although the S. Pancrazio community became 'Cistercian' c. 1255, the nuns were officially incorporated in the Order only in 1271, when the General Chapter approved the foundation as a daughter of Clairvaux.⁷⁵

S. Pancrazio may have been the other church the cardinal had in mind in 1255. Perhaps negotiations for its transfer were already under way in September of that year. The move had been fully effected by 2 April 1257, when a bull of Pope Alexander IV referred to the new nunnery as that of 'S. Mariae et S. Pancratii de Urbe'.⁷⁶ The location of S. Pancrazio, a short distance outside the city, was ideal for a nunnery, since medieval convents were often situated on the edge of urban settlement or outside town.⁷⁷ Cistercian monks

⁷¹ Paravicini Bagliani, *Cardinali di Curia*, i, 234, n. 5.

⁷² *Bullarium OP*, i, 287, n. 3.

⁷³ *Les Registres d'Alexandre IV*, 383, no. 1281.

⁷⁴ On this question, S. Roisin, 'L'efflorescence cistercienne et le courant féminin de piété au XIII^e siècle', *Revue d'Histoire Ecclesiastique* 39 (1943) 342-378; and S. Thompson, 'The problem of the Cistercian nuns in the twelfth and early thirteenth centuries', in *Medieval Women*, ed. D. Baker (Oxford, 1978), 227-252.

⁷⁵ 'Petitio domini Ioannis Portuensis et Sanctae Rufinae episcopi cardinalis qui petit incorporari Ordini tres abbatias monialium, videlicet abbatiam Sancti Pancratii iuxta Urbem, et abbatiam de Paradiso iuxta Viterbium, et abbatiam de Sancta Trinitate iuxta Urbem veterem, exauditur, et sint filiae Claraevallis'. *Statuta Capitulum Generalium Ordinis Cisterciensis*, ed. J.M. Canivez, Bibliothèque de la Revue d'Histoire Ecclesiastique, 9-14B (Louvain, 1933-41), iii (1262-1400), p. 102, no. 62.

⁷⁶ *Italia Pontificia*, i, 177.

⁷⁷ For similar locations of nunneries in England and Wales, see, R. Gilchrist,

were moreover supposed to have their monasteries far from the concourse of people. Besides, the name of the monastery outside the Aurelian Gate, 'S. Maria e S. Pancrazio', may reflect the Cistercian custom of dedicating all churches in the Order to the Mother of God.

The Cistercian nunnery obviously flourished, because c.1320 the Catalogue of Turin noted that there were thirty-five nuns in residence, making S. Pancrazio the seventh biggest nunnery in Rome.⁷⁸ In 1283 the name of the Abbess was Scholastica, while Benedicta ruled the nunnery in 1360.⁷⁹ The Cistercian nuns stayed at S. Pancrazio until 1438, when Abbess Margarita ceded the monastery to the Ambrosian Friars ad Nemos, whose main house in Rome was at S. Clemente, in exchange for S. Pietro in Montorio.⁸⁰ Later, in 1662 the church and monastery were ceded to Carmelite missionaries.⁸¹ The church is still in their care. The monastery, which flanks it on the north-east, has been totally rebuilt and is now home to the Opera Femminile B. Luigi Guanella, run by a modern congregation of Italian Sisters.

In the courtyard of the modern convent one can see the kind of seventh-century masonry of alternating courses of tufa blocks and bricks, which Krautheimer identified as part of the early Christian fabric of the church. This is in fact the north aisle wall. Elsewhere in the church Nestori and Krautheimer identified medieval masonry (Fig. 3).⁸² There was medieval brickwork in the north clerestory, after a stretch of early Christian masonry and a blocked seventh-century window at the eastern end. Nestori has various moduli for the brickwork, but it is not clear how many rows of bricks and mortar beds

Gender and material culture: The Archaeology of religious houses (London-New York, 1994), 63–64. See also J.E. Barclay Lloyd, 'The architectural planning of Pope Innocent III's nunnery of S. Sisto in Rome', in *Innocenzo III: Urbs et orbis*, ed. A. Sommerlechner, 2 vols (Rome, 2003), ii, 1292–1311, at 1293–4.

⁷⁸ 'Monasterium sancti Pancratii habet XXXV moniales ordinis Cistercen(sium)', *Codice topografico della Città di Roma*, iii, ed. R. Valentino and G. Zucchetti, Fonti per la Storia d'Italia 90 (Roma 1946) 316, lines 19–20.

⁷⁹ Lubin, *Abbatiarum . . . Brevis Notitia*, 341.

⁸⁰ Lubin, *Abbatiarum . . . Brevis Notitia*, 341.

⁸¹ Rome, Archivio di Stato, Notai, AC, vol. 2321, fos. 39r–50v; see especially fo. 48r, where Pope Alexander VII gives the Carmelites, 'Ecclesiam eiusdem S. Pancratij, ac Fabricas illi adiacentes, et viridarium, necnon terras illi contiguas, an annexas, et connexas circumcirca Ecclesiam et Monasterium . . .'. See also, E.M. Della Passione (Fusciardi), *Catacombe-Basilica e convento di San Pancrazio* (Rome, 1929), 28.

⁸² Nestori, 'La Basilica', 213–48; Krautheimer et al., *Corpus Basilicarum*, iii, 158–174. Unfortunately, during the recent renovations of the basilica, I was not able to examine the masonry personally.

make up his measurements. One stretch with a modulus varying from 30 to 33 cm may have been from the twelfth century, if the modulus was for five rows of bricks and five mortar beds.⁸³ Krautheimer calls the medieval brickwork 'Romanesque', and describes it in one place as having twelve courses to half a meter, or seven to the Roman foot, and with *falsa cortina* pointing in the window arches.⁸⁴ At another place he says it 'always has *falsa cortina* pointing and . . . a modulus of six bricks and six mortar beds per Roman foot'.⁸⁵ If one converts Krautheimer's measurements to a modulus of five rows of bricks and five mortar beds, one has a measure of between 20.83 or 21.114 cm and 24.63 cm for such a modulus. A low modulus like this, with *falsa cortina* pointing only in the arches of windows or doors is typical of Roman medieval masonry securely dated between 1252–68 and 1368.⁸⁶ It is therefore possible, that a medieval reconstruction of the church took place in the middle of the thirteenth century.

Besides the masonry, Nestori and Krautheimer noted traces of medieval windows in the north clerestory.⁸⁷ In the eastern half of the church, there were only two small round headed windows, 0.60 m wide and 1.95 m high with double embrasures; in the western half, there were three larger round headed windows, 0.90 m wide and 2.00 m high. The size of the smaller openings is roughly equal to those in the clerestory of the upper medieval church of S. Clemente.⁸⁸ In that church there was also a difference between the windows in the east and west of the church, with plain round headed windows near the façade and alternating round headed and circular windows providing brighter illumination in the area closest to the apse and over the medieval choir.⁸⁹ It is likely that the larger windows at S. Pancrazio also served to light the choir. There were further, even larger openings above the triple arcades in the transept, but they were probably not windows.⁹⁰ They may have lightened the walls above the two

⁸³ J.E. Barclay Lloyd, 'Masonry techniques in medieval Rome, c. 1080–c. 1320', *Papers of the British School at Rome* 53 (1985), 225–277, at 236, 267.

⁸⁴ Krautheimer et al., *Corpus Basilicarum*, iii, 165.

⁸⁵ Krautheimer et al., *Corpus Basilicarum*, iii, 173.

⁸⁶ Barclay Lloyd, 'Masonry techniques', 225–277, at 233, 272.

⁸⁷ Nestori, 'La Basilica', 223–226; Krautheimer et al., *Corpus Basilicarum*, iii, 165.

⁸⁸ J.E. Barclay Lloyd, *The medieval church and canonry of S. Clemente in Rome*, San Clemente Miscellany III (Rome, 1989) 107–8.

⁸⁹ Barclay Lloyd, *The medieval church*, 120 and Isometric Reconstruction I.

⁹⁰ Krautheimer et al., *Corpus Basilicarum*, iii, 169.

transept colonnades. A further window, the central seventh-century opening in the apse, was closed in medieval masonry, similar to that in the clerestory.⁹¹ In front of the blocked window a niche was formed for the papal throne.

The concentration of light on the choir and the niche for the papal throne suggest that the medieval renovations of the church were done when the new liturgical furniture was installed by Abbot Hugo in 1244–49, or shortly after it was put in place. One strange aspect about the renovation was that the clerestory walls were rebuilt on their inner sides, thereby making the nave narrower by over a meter.⁹² Krautheimer thought this was to facilitate re-roofing the church, while Nestori believed that the medieval masonry in the clerestory marked a contemporaneous blocking of the nave colonnades.⁹³ Nestori suggested that the interior of the nave was lined with medieval masonry, along the façade and the inner sides of the colonnades; he also reconstructed the medieval church in the shape of a Latin cross.⁹⁴ Krautheimer suggested that ‘the church remained a basilica through the Middle Ages, with the nave columns shifted inward to a new foundation wall’.⁹⁵ Yet shifting colonnades seems an arduous way of renovating a medieval church.

Nestori thought the church was reduced to a Latin cross shape in the Middle Ages and to a single nave in 1566–72 by Pope Pius V, since that pope had set up an altar of Saint Victor on the right of the high altar.⁹⁶ Krautheimer believed that the church was reduced to one nave at the time of Sixtus IV (1471–84).⁹⁷ This was because Fra Mariano in 1517 noted that because the church had collapsed, it was repaired by Sixtus IV with only the middle nave.⁹⁸ Krautheimer suggested that traces of masonry in tufelli (*opus saracinescum*) found in the façade and in the buttresses along the south aisle wall all dated

⁹¹ Krautheimer et al., *Corpus Basilicarum*, iii, 169.

⁹² Krautheimer et al., *Corpus Basilicarum*, iii, 171.

⁹³ Krautheimer et al., *Corpus Basilicarum*, iii, 167, 171; Nestori, ‘La Basilica’, 225–6.

⁹⁴ Nestori, ‘La Basilica’, 225.

⁹⁵ Krautheimer et al., *Corpus Basilicarum*, iii, 171.

⁹⁶ Nestori, ‘La Basilica’, 220; for information on the altar of Pius V, see P. Ugonio, *Historia delle Stationi di Roma* (Rome, 1588), 324r.

⁹⁷ Krautheimer et al., *Corpus Basilicarum*, iii, 156.

⁹⁸ ‘... modo vero collapsum, solum medialis navis Xisto IV reparatur’, Fra Mariano da Firenze, *Itinerarium urbis Romae*, ed. E. Bulletti, Studi di Antichità Cristiana, 2 (Rome, 1931) 99.

from the fifteenth-century renovation of Sixtus IV.⁹⁹ He did add, however, that the masonry technique was used in Rome from the thirteenth till the sixteenth century, and most commonly in the thirteenth.

There is a reason for the reduction of the church to a single nave, mentioned by neither Nestori nor Krautheimer. The nave could have been blocked in the thirteenth century, to transform the monastic church into an oratory suitable for medieval nuns. This was what Innocent III had done when he rebuilt S. Sisto for the nuns in Rome: he reduced the early Christian basilica, with its nave and two aisles to a single-naved church.¹⁰⁰ Churches of medieval Cistercian nunneries often had only one nave.¹⁰¹ It seems possible that Cardinal John, who established the nunnery at S. Pancrazio, had the church reduced to only one nave in 1255. Perhaps he was also responsible for the changes in the clerestory and the lighting of the choir. When Sixtus IV repaired the church, he did not reduce it to one nave, but merely renovated the one nave still standing.

A few late sources help to clarify the layout of the church and monastery, when the medieval Cistercian nuns lived there from 1255–1438. Clearly, the Sisters moved into an existing monastery, recently relinquished by Benedictine monks. The liturgical furniture donated by Abbot Hugo remained in place. It was still there in the late sixteenth century, when Pompeo Ugonio visited S. Pancrazio. He mentions having seen the two pulpits, decorated with marble of several colours, one on the right, the other on the left, and he wrote down the inscription saying Abbot Hugo had had the furniture made in 1249.¹⁰²

Ugonio made further observations about the church and its furnishings. He described the basilica as very spacious, and said one could see that it formerly had a nave and two aisles, but that the side aisles had been suppressed and only the central nave was in use.¹⁰³ In the middle of the church was an altar, which was adorned

⁹⁹ Krautheimer et al., *Corpus Basilicarum*, iii, 158, 165, 173.

¹⁰⁰ Barclay Lloyd, 'Pope Innocent III's nunnery of S. Sisto in Rome', 1304.

¹⁰¹ M. Aubert, *L'architecture cistercienne en France*, ii (Paris, 1947) 173–205; A. Dimier, *Recueil de plans d'églises cisterciennes*, iii, Supplément (Paris, 1967) 19 and T. Kinder, *L'Europe cistercienne* (Paris, 1997) 32–4, 165.

¹⁰² Ugonio's hand-written description of San Pancrazio is in BAV, Barb. lat. 2160, fos. 135r and v; he also discusses the church of S. Pancrazio in Ugonio, *Historia delle Stationi di Roma*, 317–324; the pulpits at 323.

¹⁰³ Ugonio, *Historia delle Stationi*, 323v: 'Essa chiesa è spatiosa assai et hebbe come

with porphyry and other fine precious stones, while the canopy above was made of marble and stood on four columns of porphyry, two fluted and two smooth.¹⁰⁴ Behind this altar was a screen wall that divided the church in half, also made of plaques of porphyry and other decorated stones, and with seats in front.¹⁰⁵ Ugonio sketched this feature in his notebook (Fig. 4).¹⁰⁶ The central doorway has a lintel, showing that the transverse wall must have been over two metres high. One could pass through this barrier, into the other part of the church, where there were two altars, one of which Pope Pius V had brought there from the right aisle.¹⁰⁷

Ugonio also described the apse, which was whitewashed in his day, and the high altar, elevated above five steps; it was lined with porphyry and surrounded by a parapet of porphyry. Underneath was the confessio, with the usual fenestella, while a ciborium sustained by four precious columns of porphyry covered the altar.¹⁰⁸ In the apse stood the papal throne and a lower bench for the clergy.

Looking back from the apse towards the facade, Ugonio mentioned that to the right of the high altar a small door led into a long courtyard, in the space that had formerly been the right aisle; there one could see some columns that had separated the aisle from the nave.¹⁰⁹

si vede anticamente tre navi delle quali due sono dismesse, e non si adopra se non il corpo di mezzo'.

¹⁰⁴ Ugonio, *Historia delle Stationi*, 324r. Part of a Gothic canopy in the church may come from this altar; illustrated in D'Achille, 'La basilica di San Pancrazio', 31.

¹⁰⁵ 'Dietro questo altare è un muro che parte la chiesa per mezzo, fatto parimenti di tavole di porfido, e di altre pietre lavorate, con i suoi sedili avanti.' Ugonio, *Historia delle Stationi*, 324r. In his notebook Ugonio describes the wall as made of marble and plaques of porphyry, with mosaics of gold and various colours, 'di marmi e tavole di porfido con tassele doro e varie colori', BAV, Barb lat. 2160, fo. 135r. See also Krautheimer et al., *Corpus Basilicarum*, iii, 162 and n. 4. This wall served as a 'tramezzo' or 'jubé' to divide the choir from the rest of the church. Much more elaborate tramezzi at S. Croce and S. Maria Novella in Florence have been discussed in M.B. Hall, 'The 'Ponte' in S. Maria Novella: the problem of the rood screen in Italy', *Journal of the Warburg and Courtauld Institutes* 37 (1974) 157-173 and M.B. Hall, 'The Tramezzo in Santa Croce, Florence, Reconstructed', *The Art Bulletin* 56 (1974) 325-341.

¹⁰⁶ BAV, Barb lat. 2160, fo. 135r.

¹⁰⁷ 'Indi è il passo nell'altro appartamento, dove di veggono due altari uno per banda, de i quali quello che si trova a man dritto detto di S. Vittore, sotto Pio V qui trasportato dalla nave destra.' Ugonio, *Historia delle Stationi*, 324r.

¹⁰⁸ Ugonio, *Historia delle Stationi*, 324r and v.

¹⁰⁹ '... in un scoperto lungo, che era la nave destra della chiesa, onde si scoprono alcune colonne che dividevano questa dalla nave di mezzo.' Ugonio, *Historia delle Stationi*, 324v; Krautheimer noted that Ugonio must have turned around to

From this open court one could go down some stairs into the crypt.¹¹⁰ Another writer described a similar arrangement, and noted that the other side aisle of the church had been converted into a part of the monastery, where nearby there was an old cloister and other conventual buildings.¹¹¹

Ugonio's description is precious, because it gives an account of the church before Cardinal Lodovico de Torres and his brother Cosmus de Torres renovated it in 1609. It was then returned to its former state of having a nave and two aisles, a transept and apse. Instead of columns, piers separated the nave and aisles. The clerestory windows were blocked and hidden beneath the aisle roofs.

Some of the elements noted by Ugonio were common to nuns' churches in the Middle Ages. Many had a single nave.¹¹² They also often had a wall or screen across the church to separate the nuns' choir from the public part of the building. Presumably, when the Cistercian nuns were installed at S. Pancrazio, they needed the privacy of their own choir, but the public still wanted to come to Mass and venerate the martyr's tomb. Such visitors could hear Mass at the altar in the middle of the nave. They could be taken along the former south side aisle to the stairs leading to the crypt, without entering the nuns' choir behind the screen wall. On the other side of the nave, the north side aisle was incorporated into the conventual buildings.

If Ugonio's description gives some idea of the layout of the medieval church, two seventeenth-century plans of the church and monastery

describe this part of the building, see Krautheimer et al., *Corpus Basilicarum*, iii, 161, n. 3.

¹¹⁰ 'In questo scoperto entrandosi si vede una scaletta di marmo a man dritta, onde si scende al circuito della Confessione, che gira intorno sotto l'altar maggiore...' Ugonio, *Historia delle Stationi*, 324v. The 'right' aisle would be the one on the south.

¹¹¹ G. De Rossi, *Descriptio aliquot ecclesiarum*, BAV Vat. Lat. 11904, fos. 47v–48r (very early seventeenth century). After describing the steps to the crypt he writes, 'All'incontro di questa è l'altra nave minore ancora lei chiusa et convertita in uso del Monasterio, dove appresso si vede un anticho chiostro con altre fabbriche parte rovinate, et parte ancora in piedi.'

¹¹² For Cistercian nuns' churches, see the works listed in n. 100 above. For the plans of medieval Poor Clare churches, C. Bruzelius, 'Hearing is believing: Clarissan Architecture, ca. 1213–1340', *Gesta* 31 (1992) 83–91; and J. Barclay Lloyd and Karin Bull-Simonsen Einaudi, *SS. Cosma e Damiano in Mica Aurea...*, *Miscellanea della Società Romana di Storia Patria*, 38 (Rome 1998) 95–96. For the Dominican nuns' church of S. Sisto in Rome, Barclay Lloyd, 'The architectural planning of Pope Innocent III's nunnery', 1292–1311.

picture its restored state and what remained of the monastery (Figs. 5 and 6). These plans of San Pancrazio survive in a volume of measured survey drawings made by Carlo Rainaldi when he was only 22 years old in 1633 for the Barberini Pope, Urban VIII, and his brother, Cardinal Francesco Barberini.¹¹³ The circumstances of the young architect's survey are somewhat gruesome. The plans form part of a volume of drawings recording measures taken during the bubonic plague of 1629–32, when the church and monastery of S. Pancrazio functioned as a Lazar house. Most partitions in the church and nearly all the written notes on the plans refer to how the buildings were used during the epidemic.

The first plan represents the ground floor of the church and monastery; the second is a plan of the upper floor of the monastery.¹¹⁴ A courtyard stands on the left of the basilica, which has a nave and two aisles, separated by piers, a transept divided in three by the triple arcades, and an apse. In front of the church are an irregularly shaped space and a gatehouse. The monastery is on the right.

One can clearly see the layout of the cloister in the first plan (Fig. 5).¹¹⁵ It is typical of medieval cloisters in Rome, and must pre-date the arrival of the Ambrosian Friars in 1438.¹¹⁶ Piers in the corners are joined to five pairs of colonnettes, an opening for a doorway, and a further five pairs of colonnettes on each side. Since this is a survey drawing and the length of the church is known, the dimensions of the cloister can be calculated from it. The colonnades measured 15.92 m along two sides, 15.42 m along the others. The full length of the cloister, including the ambulatory, was 24.34 m, its width 23.74 m. The ambulatories were 4.21 m wide. Ranged around the cloister were the church, and three wings of monastic structures. The monastery wings varied in width: 10.36 m at the western end near the apse; 8.44 m opposite the church; and 10.48 m at the east, near the entrance to the church.

¹¹³ BAV, Barb. lat. 4411, fos. 20 and 21.

¹¹⁴ The drawings measure 42 56.5 cm and 42 27.5 cm respectively. They are done in ink, with a pink wash for the walls of the church, and brown for the walls of the monastery.

¹¹⁵ BAV, Barb. lat. 4411, fo. 20.

¹¹⁶ In the fifteenth century cloisters in Rome had single rows of larger columns, as may be seen at S. Onofrio and in Sixtus IV's cloister at SS. Cosma e Damiano in Mica Aurea.

The plan shows walls subdividing each range into smaller rooms. As in any good architectural survey, one can see differences in the thickness of the dividing walls. In the west wing, a thick wall marks off the sacristy, while thinner walls separate what seem to be two rows of small cells, flanking a corridor. There is a square room, with thick walls and containing a staircase and a smaller space, in the north corner of the wing. In the north wing, opposite the church, there is another square room containing a staircase and flanked by thick walls, followed by a single row of small cells opening off a corridor. The partitions between these rooms are quite narrow. In the east wing, adjoining the church façade there are four more rooms, three of which open on to the cloister walk, where there are steps, perhaps indicating a significant change in level.

The relative thickness of the walls may indicate various remodelings of the buildings. It is likely that there were originally far fewer rooms in each wing. The traditional monastic complex in the Middle Ages would have had a sacristy and a chapter room in the wing closest to the church chancel; a refectory, a calefactory (or heated room) and a kitchen in the range opposite the church; and cellars and parlours in the east wing, traditionally the domain of lay brothers (and sisters?) in a Cistercian house. Evidently, by 1633 the monastery at San Pancrazio had been subdivided into many more small rooms on the ground floor. Yet the outer walls and the cloister were probably medieval.

Upstairs Rainaldi's plan (Fig. 6) shows a similar subdivision.¹¹⁷ In the west wing there are five cells on either side of a corridor, a large staircase landing and a corner room. Opposite the church a corridor overlooking the cloister opens in seven rooms, one at the east end longer than the rest. The east wing was divided by a corridor into eight rooms, the one closest to the church and overlooking the cloister containing a small altar, and hence a small chapel. Again it is likely that in the Middle Ages there were originally only three or four main rooms, which served as dormitories, as well as stairwells and bathrooms. There may have been a dormitory for choir nuns, a novitiate, an infirmary and a dormitory for lay Sisters in a medieval Cistercian nunnery, like that at S. Pancrazio.

¹¹⁷ BAV, Barb lat. 4411, fo. 21.

The size of the courtyard indicates that the upper storey of the monastery did not oversail the cloister walkways. They must have been single-storeyed and they probably had a lean-to roof sloping down from the outer ambulatory walls to the cloister colonnades. In fact, Rainaldi indicates this arrangement in writing: on the groundfloor plan he wrote *loggia coperta*, 'covered portico', to describe each of the ambulatories. The plans show us, then, in measured detail, a lot about the monastery at San Pancrazio. One sees a building that may go back ultimately to the times of Gregory the Great. Medieval Benedictine monks probably gave it its overall shape. In 1255 John, Cardinal of S. Lorenzo in Lucina remodelled it for his Cistercian nuns. By 1633 the Ambrosian Frairs had subdivided the large medieval rooms to form private cells, offices and parlours.

In all of this the mid-thirteenth-century transformation of the buildings at S. Pancrazio stands out as a fascinating attempt to provide a suitable convent for a group of women Penitents, who were converted into Cistercian nuns. Such a plan was not totally new. At S. Sisto in the beginning of the thirteenth century Pope Innocent III had planned just such a nunnery for all the nuns in Rome, providing them with a single-naved church and a new convent.¹¹⁸ At S. Pancrazio, the Cistercian cardinal followed the example of the great medieval pope.

¹¹⁸ Bolton, 'Daughters of Rome', *Innocent III*, nr. XVI, 101–115; Barclay Lloyd, 'The architectural planning of Pope Innocent III's nunnery', 1292–1311.

PART FOUR

THE CHURCH AND THE WORLD

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LETTERS OF POPE HONORIUS III CONCERNING THE ORDER OF PREACHERS¹

Patrick Zutshi

The close involvement of the papacy in the early development of the Order of Preachers is well known. The association was natural given that the Dominicans to a large extent acted as the mouthpiece of papal priorities and policies. This applies above all to their function as preachers, whether to heretics and pagans, in support of the Crusades or in a wider pastoral context. The surviving documentation reflects this association. Of the 176 genuine documents of all types concerning Dominic and his order and dating from the saint's lifetime (he died on 6 August 1221) which were published in the *Monumenta Diplomatica S. Dominici*, over a third (sixty-seven) are papal documents.² Three papal documents may be added to this collection: *Dilecti filii fratres* of 13 April 1220,³ and two exemplifications of *Cum qui recipit*.⁴ This brings the total number of papal letters to seventy.⁵ It is striking that the majority of these documents were issued when

¹ I am very grateful to Peter Linehan for placing at my disposal copies of papal documents in Spanish and Portuguese archives and for advice on numerous points. I should also like to thank Barbara Bombi, Francisco Hernández, Joan Greatrex, Magnus Ryan, Robert Ombres, Nicholas Vincent and the editors of the present volume for their valuable help.

² *Monumenta diplomatica S. Dominici*, ed. V.J. Koudelka, with the assistance of R.J. Loenertz, *Monumenta Ordinis Fratrum Praedicatorum Historica*, 25 (Rome, 1966). I count as 'papal' two legatine documents and the canons of the Fourth Lateran Council. Koudelka provides full references to earlier editions and for most purposes his work supersedes them. It will therefore in general be unnecessary for me to refer to the two older editions most relevant to the subject of this essay: *Bullarium Ordinis Fratrum Praedicatorum*, ed. T. Ripoll and A. Bremond, 8 vols (Rome, 1729–40), and *Regesta Honorii papae III*, ed. P. Pressutti, 3 vols (Rome, 1888–95).

³ Madrid, Archivo Histórico Nacional (henceforth AHN), Clero, carp. 1724/11. The text of this letter is close to *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 109.

⁴ See below at n. 82.

⁵ There is also a second exemplar of *Postulastis a nobis* of 6 May 1221 (*Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 165): Lisbon, Instituto dos Arquivos Nacionais/Torre do Tombo (henceforth IANTT), Coleção Especial, cx. 5, no. 5 (from the Lisbon Dominicans).

Dominic was present in the curia, and it is reasonable to suppose that he took a personal interest in impetrating them.⁶ The strictly contemporary evidence of papal and other documents is a valuable complement to the hagiographical sources concerning Dominic, which may well exaggerate his role in the early history of the order and which were written with the benefit of hindsight.⁷

Historians of the order have subjected these papal documents to the most intense scrutiny; I ought in particular to mention the learned and acute contributions of Vladimír Koudelka, O.P., and Simon Tugwell, O.P. In this essay I shall attempt to re-examine some of this documentation, but from a different standpoint from that of most earlier commentators; that is, primarily of the institution which produced the documents, the papal chancery, rather than of the history of the order. A consideration of the chancery's practices, and in particular the process by which petitioners impetrated papal letters there, as we shall see, can assist us in reaching an understanding of these sources. In offering the essay to a historian who has done so much to evoke and illuminate the religious life of Western Europe in the early thirteenth century, I wish to mention that, like so many of Brenda Bolton's pupils and friends, were it not for her infectious enthusiasm, I would never have turned my attention to the pontificate of Innocent III or, as in this case, that of his immediate successor, Honorius III (1216–1227).

I

The earliest papal document in favour of the Dominicans, if we exclude a letter of Innocent III in favour of the foundation at Prouille,⁸ is Honorius III's privilege *Religiosam vitam eligentibus* of 22 December

⁶ Vladimír J. Koudelka, 'Notes sur le cartulaire de S. Dominique, Deuxième Série: Notes sur les chartes originales', *Archivum Fratrum Praedicatorum*, 33 (1963), 89–120, especially at 97; idem, 'Notes sur le cartulaire de S. Dominique, Troisième Série: Bulles de recommandation', *ibid.*, 34 (1964), 5–44, at 5–7.

⁷ See Simon Tugwell, 'Notes on the life of St Dominic, [I–II]', *Archivum Fratrum Praedicatorum*, 65 (1995), 5–169, especially 141–2; *Bernardi Guidonis Scripta de S. Dominico*, ed. Simon Tugwell, *Monumenta Ordinis Fratrum Praedicatorum Historica*, 27 (Rome, 1998), 60–1, 74–5, 77–8; G.G. Merlo, 'Gli inizi dell'Ordine dei frati Predicatori', *Rivista di Storia e Letteratura Religiosa*, 31 (1995), 415–441; Luigi Canetti, 'Intorno all'idolo delle origini: la storia dei primi frati Predicatori', in *I frati Predicatori nel Duecento*, *Quaderni di Storia Religiosa*, 3 (printed Verona, 1996), 9–51.

⁸ *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 65.

1216.⁹ If the papal chancery was perplexed by what was, at least potentially, a new type of religious organization, the privilege does not directly show it. It takes the church of St Romain, Toulouse, where Dominic and his friars are established, under papal protection, determines that the *ordo canonicus* according to the rule of St Augustine should be observed there in perpetuity,¹⁰ lists and confirms their possessions and grants various other favours to them. The previous year Dominic together with Fulk, bishop of Toulouse, had requested that Innocent III confirm, according to Jordan of Saxony, their 'ordinem, qui predicatorum diceretur et esset'.¹¹ What Jordan meant is unclear, nor are his words necessarily an accurate representation of Dominic's intentions and actions. Innocent III's response was to urge the friars to adopt the rule of an existing order.¹² This advice, given on the eve of the Fourth Lateran Council, was very much in the spirit of its thirteenth canon, which was to forbid the establishment of new religious orders.¹³ Dominic followed the pope's advice: the friars chose the rule of St Augustine, and Dominic returned to the curia, seeking papal confirmation. By this time Innocent had died, but his successor Honorius III provided confirmation of some kind in the privilege *Religiosam vitam eligentibus*. What is lacking in the privilege is any approval of the distinctive features of the friars' activities. This led Simon Tugwell to suggest that the new pope misunderstood the wishes of Dominic and the character of the nascent order. As a result, he issued a privilege that failed to do justice to them and in particular contained an unsatisfactory clause about the friars' profession.¹⁴

⁹ Ibid., no. 77.

¹⁰ On the meaning of *ordo canonicus*, see Vicaire, 'Fondation, approbation, confirmation de l'Ordre des Prêcheurs', *Revue d'Histoire Ecclésiastique*, 47 (1952), 123–41, 586–603, at 588–9; idem, 'L'Ordre de Saint Dominique en 1215', *Archivum Fratrum Praedicatorum*, 54 (1984), 5–38, at 14–15.

¹¹ 'Libellus de principii ord. Praedicatorum auctore Iordano de Saxonia', ed. H.C. Scheeben, in *Monumenta historica Sancti Patris Nostri Dominici*, ii, *Monumenta Ordinis Fratrum Praedicatorum Historica*, 16 (Rome, 1935), 45.

¹² Ibid., 45–6: 'Auditis igitur eis super hac postulatione Romane sedis antistes hortatus est fratrem Dominicum, reverti ad fratres suos et, habita cum eis plena deliberatione, cum unanimi omnium eorum consensu regulam aliquam iam approbatam eligere, quibus ecclesiam assignaret episcopus, ac demum iis exactis rediret ad papam confirmationem super omnibus accepturus'. For a discussion of these events, with extensive reference to the earlier literature, see Simon Tugwell, 'Friars and canons: the earliest Dominicans', in *Monastic Studies*, ii, ed. Judith Loades (Bangor, 1991), 193–207, at 194–203; idem, 'Notes on the life of St Dominic, I–II', 6–35.

¹³ See Michele Maccarrone, *Studi su Innocenzo III*, Italia Sacra, 17 (Padua, 1972), 305–27.

¹⁴ Tugwell, 'Notes on the life of St Dominic, I–II', 36.

A re-examination of the privilege results, not in a radically different interpretation of it, but rather in a difference of emphasis. *Religiosam vitam eligentibus* is a papal document of a standard type, issued in varying forms for numerous religious houses and confirming their possessions and privileges.¹⁵ It appears always to have been in favour of individual houses, not of a whole order. The pope issued such a document in response to a petition submitted by the beneficiary, a petition to which the text alludes with the words ‘vestris iustis postulationibus clementer annuimus’. If Tugwell’s argument is correct, Dominic must have submitted a petition which asked for something rather different from what Honorius III was willing to grant in *Religiosam vitam eligentibus*. It is of course impossible to say what Dominic’s petition contained, but there are reasons for supposing that it corresponded reasonably closely to the privilege issued in response to it. In addition to preparing the petition in the approved style of the Roman curia and submitting it, the petitioner had to intervene at certain points in the process which led to the issue of the document in response to the petition. In particular, clause 9 of the so-called chancery ordinance of Innocent III¹⁶ makes it clear that, once the draft of the document had been prepared on the basis of the petition and checked, the petitioner had to arrange for the engrossment to be prepared by a scribe of the papal chancery. When this had been done, he had to ensure that the leaden seal or *bull*a was affixed to the document. The petitioner also had to pay the prescribed fees for engrossing and sealing the document.¹⁷ If the petitioner was not satisfied with a restrictive response from the pope to his petition, he was not under any compunction to arrange for the production of the corresponding papal document; there was more than one point at which he could simply abandon the process. Indeed, given the trouble and expense involved, there were incentives for doing so. If Dominic pursued the issue of *Religiosam vitam eligentibus*, as he evidently did, this must be because it contained concessions

¹⁵ *Die päpstlichen Kanzleiordnungen von 1200–1500*, ed. Michael Tangl (Innsbruck, 1894), 229–34, 304–6, gives the form of the privilege as issued in favour of the houses of several religious orders.

¹⁶ *Ibid.*, 54 § 9.

¹⁷ Rudolf von Heckel, ‘Beiträge zur Kenntnis des Geschäftsgangs der päpstlichen Kanzlei im 13. Jahrhundert’, in *Festschrift Albert Brackmann*, ed. Leo Santifaller (Weimar, 1931), 434–56. At a later date the Dominicans were exempted from payment of the sealing tax: see below at n. 64.

of practical and legal value to the friars of St Romain. It is doubtful if the chancery officials would have thought it appropriate to include the definition and approbation of the aims and functions of the Dominicans in what was in form a standard papal privilege of confirmation. Instead, this was left to *Gratiarum omnium largitori*, issued less than a month later, a freely composed letter, whose text to a considerable extent no doubt reflected the thinking of Dominic himself.¹⁸

Innocent III, in Jordan of Saxony's account, offered papal 'confirmationem super omnibus' to Dominic, once the friars had unanimously chosen a rule and the bishop of Toulouse had assigned a church to them.¹⁹ It is not clear from the passage preceding this phrase precisely to what 'super omnibus' refers. If it refers only to the choice of the rule and the assigning of a church, *Religiosam vitam eligentibus* represents the fulfilment of Innocent's promise. If, as is much more likely, 'super omnibus' includes the approbation of the preaching mission of the friars, this was accomplished with *Gratiarum omnium largitori*. Tugwell suggests that it was Innocent III rather than Dominic who first thought of turning the friars into an international religious order.²⁰ Honorius III only sanctioned such a role over a year after the issue of these two documents, in the first of his letters of recommendation for the order.²¹ In any case, it seems clear that Honorius III, after a greater or lesser delay, followed both the letter and the spirit of his predecessor's policy towards the Dominicans.

II

A wide range of men both within and outside the papal chancery were involved in one way or another in the issue of Honorius III's letters in favour of the Dominicans. It is likely that Dominic himself

¹⁸ *Monumenta Diplomatica S. Dominici*, ed. Koudelka, no. 79. See V. J. Koudelka, 'Notes sur le cartulaire de S. Dominique, [Première Série]', *Archivum Fratrum Praedicatorum*, 28 (1958), 92–114, at 92–100, and Patrick Zutshi, 'The personal role of the pope in the production of papal documents in the thirteenth and fourteenth centuries', in *Vom Nutzen des Schreibens: Soziales Gedächtnis, Herrschaft und Besitz*, ed. Walter Pohl and Paul Herold, *Forschungen zur Geschichte des Mittelalters*, 5 (Vienna, 2002), 225–36, at 231–2.

¹⁹ See above n. 12.

²⁰ Tugwell, 'Notes on the life of St Dominic, I–II', 30–5; see also 38.

²¹ See below at n. 74.

took a prominent part in requesting these letters.²² There is a striking fall in the number of letters issued following his death. In contrast to the seventy letters dating from his lifetime (1217–21), for the remainder of Honorius' pontificate (1221–7), relatively few are known, although the discrepancy must be exaggerated by the fact that there has been less systematic searching for letters from the period after Dominic's death.²³ Dominic enlisted the support of ecclesiastics in the curia from the pope down. The personal involvement of Honorius III in the production of *Gratiarum omnium largitori* is apparent from an anecdote in Thomas of Cantimpré's *Bonum universale* and from the researches of Vladimír Koudelka.²⁴ Cardinals were well placed to act as intercessors, that is, to use their influence in securing the issue of papal documents in favour of their protégés. Dominic enjoyed the firm support of Hugolinus, cardinal bishop of Ostia and the future Pope Gregory IX, whom he met on at least three occasions, although Hugolinus seems to have been involved more closely with the Franciscans than with the Dominicans.²⁵ Dominic also had a highly placed friend in the papal chancery in the person of the papal notary William. He rose to be vicechancellor in 1219–20 and then became bishop of Modena and cardinal bishop of Sabina.²⁶ Koudelka argues that he was the notary to whom Honorius dictated the text

²² See above at n. 6.

²³ I have noted the following: *Cum qui recipit* of 26 August 1221 (*Schedario Baumgarten*, ed. Giulio Battelli and Sergio Pagano, 4 vols (Vatican City, 1965–86), i, no. 643); *Cum qui recipit* of 7 December 1221 (AHN, Clero, carp. 1893/13); a letter of recommendation of 7 December 1221 (Potth. 6730, without incipit); *Cum qui recipit* of 8 December 1221 (IANTT, Coleção Especial, cx. 1, no. 12); *Ex parte tua* of 8 December 1221 (Potth. 6731); *Cum qui recipit* of 13 January 1222 (*Schedario Baumgarten*, ed. Battelli and Pagano, i, no. 655); *Cum nos quibus* of 7 March 1222 (Potth. 6800; *Schedario Baumgarten*, ed. Battelli and Pagano, i, no. 663); *Quia omnibus* of 5 June 1222 (Potth. 6851); *Cum pias postulantium* of 1 July 1223 (Potth. 7045); a letter of recommendation of 22 April 1223 (Koudelka, 'Notes sur le cartulaire de S. Dominique, Troisième Série', 24, without incipit); *Favorabilibus precibus vestris* of 18 December 1224 (Potth. 7334; Barbiche, *Les actes pontificaux originaux des Archives nationales de Paris*, Index Actorum Romanorum Pontificum ab Innocentio III ad Martinum V electum, 1–3 (Vatican City, 1975–82), i, no. 261); a letter of 7 March 1225 (Potth. 7380, without incipit); *Vinee domini custodes* of 10 July 1225 (Potth. 7429); *Quieti vestre providere* of 7 October 1225 (*Bullarium Ordinis Praedicatorum*, ed. Ripoll and Bremond, i, 16).

²⁴ See above n. 18.

²⁵ See, e.g., Werner Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216*, Publikationen des Historischen Instituts beim Österreichischen Kulturinstitut in Rom, I, Abteilung 6 (Vienna, 1984), 132–3.

²⁶ See A. Paravicini Bagliani, *Cardinali di curia e 'familiae' cardinalizie dal 1227 al 1254*, Italia Sacra, 18–19 (Padua, 1972), i, 186–97.

of *Gratiarum omnium largitori*.²⁷ Of the officers of the chancery who were officially involved in the production of letters in favour of the Dominicans, the scribes have left the most tangible trace, in the surviving original documents which represent their handiwork. Their activity is easier to document since they normally signed on the turn-up (or *plica*) at the foot of the documents that they engrossed.²⁸

The proctors, unlike the scribes, were not officers of the curial administration. Their role was to promote the interests of their clients in the curia and in particular to act for them in obtaining papal favours. The proctors formed an indispensable link between the petitioners and the personnel of the chancery. They had a rather chequered existence in the pontificate of Innocent III, which apparently saw more than one attempt to limit their activities.²⁹ The Fourth Lateran Council implicitly sanctioned the proctor's work, at least as far as letters of justice (that is, letters initiating judicial proceedings) were concerned, provided that the proctor had a special mandate from his client.³⁰

We can distinguish three kinds of proctor active in the papal chancery in the thirteenth century. The first was the proctor sent by the petitioner to the curia to obtain a particular papal favour or favours. Such a proctor normally acted for only one client and was present in the curia for only a limited period. The second category, the resident proctor, was a professional or semi-professional figure, possessing a good knowledge of the procedures and circumstances

²⁷ Koudelka, 'Notes sur le cartulaire de S. Dominique, Première Série', 97–100.

²⁸ Koudelka evaluates this evidence in 'Notes sur le cartulaire de S. Dominique, Deuxième Série', 97–105.

²⁹ See especially Rudolf von Heckel, 'Das Aufkommen der ständigen Prokuratoren an der päpstlichen Kanzlei im 13. Jahrhundert', in *Miscellanea Francesco Ehrle*, ii, Studi e Testi, 38 (Vatican City, 1924), 290–321. For the more recent literature, see Patrick Zutshi, 'Innocent III and the reform of the papal chancery', in *Innocenzo III: Urbs et Orbis*, ed. Andrea Sommerlechner, 2 vols, Nuovi Studi Storici, 55 (Rome, 2003), 84–101.

³⁰ IV Lat. c. 37: 'hac generali constitutione sancimus ut si quis super aliqua questione de cetero, sine domini speciali mandato, litteras apostolicas impetrare presumpserit, et littere ille non valeant et ipse tanquam falsarius puniatur' (*Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatorum*, ed. A. García y García, Monumenta Iuris Canonici, Series A: Corpus Glossatorum, 2 (Vatican City, 1981), 79–80). See Heckel, 'Das Aufkommen', 312–13; Peter Herde, *Beiträge zum päpstlichen Kanzlei- und Urkundenwesen im dreizehnten Jahrhundert*, 2nd edn (Kallmünz Opf., 1967), 126; Winfried Stelzer, 'Die Anfänge der Petentenvertretung an der päpstlichen Kurie unter Innocenz III.', in *Annali della Scuola Speciale per Archivisti e Bibliotecari dell'Università di Roma*, 12, Part ii (1972), 130–9, at 139.

of the chancery. Typically he was Italian in origin, served a variety of clients and acted over a longer period than the proctor sent by the petitioner. The personnel of the papal chancery were well qualified to act as resident proctors, although Innocent III sought to limit their activity in this area.³¹ Like Innocent III, Honorius III seems to have had an aversion to resident proctors, to judge from two clauses of a chancery ordinance which may well date from his pontificate. He ordered the departure from the curia of proctors who had been there for two years (or more).³² He further ordered that the proctors of prelates and magnates on arriving at the curia should present all their petitions at one time themselves; in other words, they were not permitted to employ the services of resident proctors.³³ It is doubtful if these prescriptions had any long-term effect. The attractiveness to the petitioners of resident proctors with their special expertise was doubtless too great for the former to be willing to abandon them. The third category of proctor was the general proctor, a proctor resident in the curia who represented the interests of a religious order there. Most of the larger religious orders in the course of the thirteenth century came to use general proctors, in some cases with the explicit licence of the pope,³⁴ but the origins of the practice are extremely obscure. The general proctor was normally a member of the order that he represented.³⁵ He differed in status from the proctor

³¹ *Kanzleiordnungen*, ed. Tangl, 54 § 2.

³² *Ibid.*, 55 § 12: 'Item omnes procuratores, qui fuerint in curia per biennium, infra mensem recedant, nisi habeant propriam causam sive dominorum suorum in curia in iudicio pertractandam; alioquin extunc non admittantur ad impetrandum contradicendum vel aliud alieno nomine faciendum'. For the date of this ordinance, see Herde, *Beiträge*, 128. Cf. Jane E. Sayers, *Papal Government and England during the Pontificate of Honorius III*, Cambridge Studies in Medieval Life and Thought, Third Series 21 (Cambridge, 1984), 35.

³³ *Kanzleiordnungen*, ed. Tangl, 55 § 14: 'Presenti decreto statuimus, ut procuratores archiepiscoporum episcoporum et aliorum prelatorum aut magnatum, quando ad curiam veniunt, simul et semel omnes petitiones secundum statutum nostrum et predecessoris nostri porrigant per se ipsos, quantotius poterunt.' The 'statutum . . . predecessoris nostri' refers to Innocent III's chancery ordinance (*ibid.*, 54 § 5); cf. Heckel, 'Das Aufkommen', 314.

³⁴ Philipp Hofmeister, 'Die Generalprokuratoren der Ordensleute beim Hl. Stuhl', in *Im Dienste des Rechtes in Kirche und Staat: Festschrift zum 70. Geburtstag von Franz Arnold*, ed. W. Plöchl and I. Gampl, Beihefte zum Österreichischen Archiv für Kirchenrecht, Kirche und Recht, 4 (Vienna, 1963), 235–60, at 236–44.

³⁵ See Kurt Forstreuter, *Die Berichte der Generalprokuratoren des Deutschen Ordens an der Kurie, I: Die Geschichte der Generalprokuratoren von den Anfängen bis 1403*, Veröffentlichungen der Niedersächsischen Archivverwaltung, 12 (Göttingen, 1961), 14, 16.

sent by the petitioners and the resident proctor, who seem normally to have been secular clerks in minor orders. The general proctor, like the proctor sent by the petitioner, often in turn employed a resident proctor to assist him in the curia.

The so-called proctorial endorsements which appear on original papal documents from the time of Innocent III onwards are a valuable and precise, if cryptic, source concerning the proctors' activities.³⁶ The term 'proctorial', in fact, is not very well chosen, because not all these endorsements are necessarily associated with proctors.³⁷ The endorsements usually indicate the identity of the beneficiary or give the name of the proctor in the curia to whom the document was to be handed out when all the formalities for its issue had been completed. Innocent III, a pope with a particular interest in the chancery and its products, aptly described this endorsement as 'notula quae ad assignationem personae litteras impetrantis solet apponi'.³⁸ Sometimes the endorsement refers to the beneficiary's identity in a straightforward way; for instance, 'Grandim.' on a letter of protection and confirmation in favour of the Grandmontine priory of Erloy.³⁹ Occasionally there is a brief motto; thus, six letters dating from 4 February to 14 December 1215 in favour of Simon de Montfort, the leader of the Albigensian Crusaders, have 'Christus vincit'.⁴⁰ Where a personal name appears, this normally represents the proctor who impetrated the document. Its presence had a practical purpose, for the text of the document rarely names the proctor and without this endorsement the chancery personnel might not have known to whom to give the letter. It was the responsibility of the proctor, not the chancery, to transmit the document to its beneficiary outside the curia.

Having sketched the role of proctors in the early thirteenth-century chancery and described the endorsements which reflect their activities, we are now in a better position to examine the evidence from letters in favour of the Order of Preachers. That evidence is

³⁶ See Zutshi, 'Innocent III and the reform of the papal chancery', 94–5.

³⁷ Cf. Heckel, 'Das Aufkommen', 317.

³⁸ *Reg. Inn. III*, x, no. 80, col. 1178 C. Cf. Jane E. Sayers, 'Proctors representing British interests at the papal court, 1198–1415', in her *Law and Records in Medieval England* (London, 1988), ch. 4, at 159–63.

³⁹ Barbiche, *Les actes pontificaux*, i, no. 155 (7 March 1217).

⁴⁰ *Ibid.*, 452.

admittedly sparse, for only three letters of Honorius III display such endorsements; but it can be amplified by reference to original letters of Gregory IX in favour of the order. The earliest annotation occurs on Honorius III's *Olim in partibus Tolosanis* of 19 January 1217, in which he ordered some of the masters and scholars at Paris to proceed to Toulouse and to teach and preach there. This was part of the campaign against heresy in the region of Toulouse, a campaign in which the Dominicans were closely involved. Heribert Scheeben suggested that the letter was issued on the advice of St Dominic.⁴¹ The fact that the original letter survives among the archives of the Dominican convent of St Jacques in Paris supports this suggestion.⁴² It was probably taken to Paris following Dominic's dispersal of the friars in 1217, when a small group of them went there.⁴³ The letter is endorsed 'Dominicus'.⁴⁴ Koudelka argued eloquently that this Dominic was none other than St Dominic himself.⁴⁵

This hypothesis is quite plausible, all the more so if one takes into account the fact that Dominic is nowhere named in the text and that without this endorsement it would have been unclear to whom the letter should be handed out by the chancery personnel. None the less, it is not the only possible identification. The name in this position is usually that of a proctor, and this possibility merits serious consideration. Dominic was not an uncommon name, especially in the Iberian peninsula; and there is no reason why a proctor of this name should not have been involved in the production of the letter. There was in fact a curial proctor called Dominic active at about this time for Portuguese and Spanish petitioners. He was proctor for Braga in 1217.⁴⁶ His name appears on the dorse of a privilege of 11 January 1218 in favour of the king of Portugal and of a letter of justice of 19 January 1218 concerning a dispute between Menendus Alfonsi and other knights, on one side, and the prior of

⁴¹ Heribert Scheeben, *Der Heilige Dominikus* (Freiburg im Breisgau, 1927), 229.

⁴² See Barbiche, *Les actes pontificaux*, i, no. 147.

⁴³ See Koudelka, 'Notes sur le cartulaire de Saint Dominique, Deuxième Série', 104–5.

⁴⁴ *Monumenta Diplomatica S. Dominici*, ed. Koudelka, 76.

⁴⁵ Koudelka, 'Notes sur le cartulaire de S. Dominique, Deuxième Série', 98–105. Cf. Barbiche, *Les actes pontificaux*, i, 452 ('sans doute saint Dominique').

⁴⁶ See Ingo Fleisch, 'Kirche, Königtum und gelehrtes Recht im hochmittelalterlichen Portugal' (unpublished Magisterarbeit der Otto-Friedrich-Universität Bamberg, 1998), 165–6.

the Hospital of St John in Portugal, on the other.⁴⁷ The same name occurs in the top right corner of the *recto* of a series of letters dated between 19 March 1225 and 14 February 1228.⁴⁸ The precise meaning of annotations in this position is obscure. All one can say at this stage is that they generally contain the names of proctors. This *dominicus* must be Master Domingos Estevão, who became a canon of Braga between 1210 and 1217 and by February 1224 was archdeacon of Braga.⁴⁹ The hand of the endorsement of the privilege of 11 January 1218 is not the same as that of *Olim in partibus Tolosanis*. In the former, *dominicus* is written out in full; in the latter, it is written *Dom(ini)cus*, above which is the distinctive title abbreviation mark of the papal chancery. Even so, it is possible that the *Dominicus* of *Olim in partibus Tolosanis* represents the proctor Domingos Estevão, or perhaps another proctor called Dominic. Whichever Dominic it is, it cannot be an autograph signature, although this is what one would normally expect in the case of a proctor's name, since *Dominicus* is undoubtedly written in the hand of the scribe who engrossed the letter. This scribe signed in the usual way on the *plica* to the right. His name is *pe.*, that is, Petrus. The same scribe engrossed *Gratiarum omnium largitori*.

The next proctorial endorsement is a *P*. It occurs on *Vestris postulationibus inclinati* of 1 December 1219, which concerns the friars' right to celebrate the divine office in their church in Paris.⁵⁰ It doubtless stands for *Predicatores* or *Predicatorum*.⁵¹

Of greater interest is the third endorsement, which looks like *ffr*. *G*. It appears on an unpublished letter of recommendation on behalf of the friars,⁵² *Dilecti filii fratres* of 13 April 1220, from the archive of the Dominican convent at Palencia.⁵³ *Frater* indicates that the man

⁴⁷ IANTT, Bulas, maço 27, doc. 3; Coleção Especial, cx. 4, no. 14.

⁴⁸ Seo de Urgell, Arxiu Capítular, s.n. (19 Mar. 1225); IANTT, Coleção Especial, cx. 2, nos 20, 21, 23, 35, 38 (25 Nov. 1226, same date, 26 Nov. 1226, 20 Feb. 1227, 31 July 1227); Toledo, Archivo Capítular, Z.3.D.1.5 (14 Feb. 1228).

⁴⁹ See Fleisch, 'Kirche, Königtum und gelehrtes Recht', 164–8.

⁵⁰ *Monumenta Diplomatica S. Dominici*, ed. Koudelka, no. 110; Barbiche, *Les actes pontificaux*, i, no. 203.

⁵¹ Cf. the endorsement *Predicat.* on letters of Gregory IX in favour of the Dominicans: *Quoniam abundavit* of 28 Nov. 1227 (*Schedario Baumgarten*, ed. Battelli and Pagano, i, no. 867), and *Ne pro eo* of 3 Dec. 1227 (Barbiche, *Les actes pontificaux*, i, no. 292).

⁵² For letters of recommendation see below § III.

⁵³ AHN, Clero, carp. 1724/11. The text of the letter is close to *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 109. The letter was known to Paul Maria Baumgarten, but he did not notice the proctorial endorsement: *Schedario Baumgarten*, ed. Battelli and Pagano, i, no. 567 ('ohne alle Notizen'). Peter Linehan records the

was a member of a religious order rather than a professional proctor. He was in all probability a Dominican. Another letter from the archive of the Dominicans of Palencia is Gregory IX's *Cum paupertatem* of 30 July 1227, which forbids anyone who is a professed member of the order to leave it without his prior's permission.⁵⁴ This bears an endorsement which apparently reads *fr. G(ui)ll(el)m(u)s*.⁵⁵ The hand may be the same as that of the earlier *fr. G.*, but on the basis of the photocopies available to me it is impossible to be confident about this. Perhaps someone who is able to inspect the letters in the original will be able to arrive at a more definite conclusion.

While we cannot hope to achieve a certain identification, one possibility is that *G.* or *Guillelmus* or both represent William of Monferrato. The latter was a witness in Dominic's canonisation process. From his deposition, which he made in Bologna in 1233 and which survives in more than one version, it appears that he first met Dominic in 1217, after which he went to study in Paris.⁵⁶ He took the Dominican habit there in 1219. He accompanied Dominic to Bologna and to Viterbo, where the papal curia was then resident.⁵⁷ It is precisely at Viterbo that *Dilecti filii fratres* is dated and, if the identification of *Frater G.* is correct, it was William of Monferrato who was instrumental in obtaining the letter and to whom it was handed out. Honorius III issued three letters of recommendation in favour of a Friar William, who having been resident in the curia was proposing to study in Paris.⁵⁸ It has been plausibly suggested that this William is none other than William of Monferrato.⁵⁹ In his deposition for the canonisation process, William described himself as Dominic's 'principalis socius'.⁶⁰ He recalled that he had agreed with Dominic that, after he had studied theology in Paris for two years, they would

endorsement in 'Proctors representing Spanish interests at the papal court, 1216–1303', *Archivum Historiae Pontificiae*, 17 (1979), 69–123, at 106.

⁵⁴ AHN, Clero, 1724/14.

⁵⁵ Linehan, 'Proctors', 106, read *fr. Gal.*

⁵⁶ 'Acta Canonizationis S. Dominici', ed. A. Walz, in *Monumenta historica Sancti Patris Nostri Dominici*, ii, 133–4. For the dates of the testimonies, see Tugwell, 'Notes on the life of St Dominic, III', *Archivum Historiae Pontificiae*, 66 (1996), 5–200, at 176–87.

⁵⁷ Tugwell, 'Notes on the life of St Dominic, III', 109–114.

⁵⁸ *Monumenta diplomatica S. Dominici*, ed. Koudelka, nos 131, 132, 137 (27 Dec. 1220–2 Jan. 1221).

⁵⁹ See especially Tugwell, 'Notes on the life of St Dominic, III', 115.

⁶⁰ 'Acta Canonizationis S. Dominici', ed. Walz, 135.

go together to convert the pagans in the North.⁶¹ William's involvement in missionary work is also evident after the death of Dominic, for Gregory IX in *Cum hora undecima* of 15 February 1235 conferred a series of favours on the friars who were being sent to convert the pagans, namely William of Monferrato and his companions.⁶² Not long before this, the endorsement *fr. G.* reappears on four original papal letters, all now in the Vatican Archives: *Ne pro eo* of 27 November 1234, *Quieti vestre providere* and *Auctoritate vobis presentium* of 22 December 1234 and *Precibus vestris benignum* of 12 January 1235.⁶³ This could well be the same man as the *Frater G.* who appears in 1220.

Among the three letters of Honorius III in favour of Friar William is one in which he states that at the request of William he has conceded that during his pontificate, for the issue of letters in favour of the Order of Preachers, no payment will be required 'pro bulla nostra'.⁶⁴ This refers to the fee for appending the leaden seal to papal documents. Whether the Dominicans still had to pay other chancery fees, notably the fee payable to the scribe for the engrossment, is unclear. William's request for this favour led Simon Tugwell to make the bold suggestion that 'it is more than likely that he had been acting as a kind of procurator general for the order'.⁶⁵ The presence of the endorsements *Frater G.* and *Frater Guillelmus* on six papal letters lends considerable weight to this hypothesis and suggests that he was exercising similar functions in 1234–5. *Frater G./Guillelmus* might of course represent a friar other than William of Monferrato, but the likely involvement of William of Monferrato in the Dominicans' exemption from the sealing tax makes him the most obvious candidate.

⁶¹ 'Acta Canonizationis S. Dominici', ed. Walz, 133–4. See Jarl Gallén, 'Les voyages de S. Dominique au Danemark', in *Xenia Medii Aevi Historiam illustrantia oblata Thomae Kaeppli O.P.*, ed. R. Creyten and P. Künzle, Storia e Letteratura, 141–2 (Rome, 1978), i, 73–84, at 73, 78–9; Tugwell, 'Notes on the life of St Dominic, III', 111–3; idem, 'Notes on the life of St Dominic, [V–VI]', *Archivum Fratrum Praedicatorum*, 88 (1998), 5–116, at 52–7, 63–6, 71.

⁶² *Bullarium Ordinis Praedicatorum*, ed. Ripoll and Bremond, i, 74: 'Vos . . . ad gentes, que Iesum Christum Dominum non agnoscunt, et ad subversionis filios, qui Sacrosancte Romane Ecclesie non obediunt destinamus'; Potth. 9845; *Les registres de Grégoire IX*, ed. Lucien Auvray, 4 vols (Paris, 1896–1955), i, no. 2429. The *Bullarium Ordinis Praedicatorum* also prints a letter of recommendation for the friars addressed to ecclesiastics, merchants and Christians in the lands of the Saracens and of other infidels (Potth. 9846; *Les registres de Grégoire IX*, ed. Auvray, i, no. 2430).

⁶³ *Schedario Baumgarten*, ed. Battelli and Pagano, I, nos 1136 (Potth. 9775), 1142, 1143, 1145.

⁶⁴ *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 132.

⁶⁵ Tugwell. 'Notes on the life of St Dominic, III', 115.

The first explicit mention of a general proctor of the Dominican order at the papal curia dates from 1267; but the acts of the General Chapter of 1256 almost certainly refer to him, while those of the following year mention the 'Procurator Ordinis Frater Troianus' in terms which show that Trojan was the order's general proctor and which imply that the office was a well established one.⁶⁶ The procuratorial endorsements *Frater G.* and *Frater Guillelmus* are considerably earlier in date. They show the close involvement of at least one friar in the production of letters in favour of the order; and they may indicate that he was acting as general proctor of the order. An addition to the early constitutions of the order suggests that it was normal for there to be Dominicans present at the papal court who were able to represent the order's interests there. The editor of the constitutions dates this passage 1221–1231,⁶⁷ while Tugwell suggests 'not . . . before the early 1230s'.⁶⁸ Raymond of Peñafort's revision of the constitutions prepared in 1238–41 has a similar passage.⁶⁹ If the Dominicans were already making use of general proctors in the early thirteenth century, they were not the only religious order to do so. A proctor for the congregation of Vallombrosa ('procurator pro tota congregatione') is mentioned as early as 1216.⁷⁰ The Cistercians in 1220 allowed for two proctors to act for them in the papal chancery, although these men appear to have been secular clerks rather than members of the order.⁷¹ It has been suggested that the activities of the general proctor of the Teutonic Order go back to *c.* 1220, even if the formal office did not exist as early as this.⁷²

⁶⁶ Hofmeister, 'Die Generalprokuratoren', 238–9.

⁶⁷ A.H. Thomas, *De oudste constituties van de Dominicanen*, Bibliothèque de la Revue d'Histoire Ecclésiastique, 42 (Louvain, 1965), 366: 'Nullus fratrum vadat ad curiam nisi de licentia magistri vel capituli generalis. Sed mittatur garcio ad fratres, qui ibi sunt . . .'

⁶⁸ Simon Tugwell, 'The evolution of Dominican structures of government, III: The early development of the Second Distinction of the Constitutions', *Archivum Fratrum Praedicatorum*, 71 (2001), 5–182, at 153 (where this clause is numbered X 15), and cf. *ibid.*, 175.

⁶⁹ Thomas, *De oudste constituties*, 366: '... ad fratres qui sunt ibi, vel per aliquem alium, prout melius fieri poterit, negotium procuretur'.

⁷⁰ Barbara Bombi, 'I procuratori dell'Ordine Teutonico tra il XIII e XIV secolo', *Römische Historische Mitteilungen*, 44 (2002), 193–298, at 243 n. 220.

⁷¹ Hofmeister, 'Die Generalprokuratoren', 237.

⁷² See Forstreuter, *Berichte*, i, 46, 54. See also Klauz Militzer, *Von Akkon zur Marienburg: Verfassung, Verwaltung und Sozialstruktur des Deutschen Ordens 1190–1309*, Quellen und Studien zur Geschichte des Deutschen Ordens, 56 (Marburg, 1999), 184–5.

III

A momentous change occurred in the history of the Order of Preachers, when in August 1217 Dominic dispersed his brethren.⁷³ This meant a widening of both the geographical area and the scope of activities of the friars. From an order focused on combating heresy in Languedoc, they rapidly transformed themselves into an international order concerned generally with preaching and the cure of souls. A long series of letters of Honorius III and Gregory IX recommending the friars to the episcopate and to other prelates, or thanking them for their favourable treatment of the friars, reflects this development. The earliest such letter is *Si personas religiosas* of 11 February 1218, which is also the first papal letter to speak of 'friars of the order of preachers' ('fratres ordinis Predicatorum').⁷⁴ Vladimír Koudelka closely studied these letters,⁷⁵ and almost all those from Dominic's lifetime are printed in *Monumenta diplomatica S. Dominici*.⁷⁶

One feature of the letters of recommendation and thanks is the clarity with which they express the new order's aspirations, aspirations that the pope shared. The utility of the friars' ministry, their devotion to preaching, their adoption of voluntary poverty, the salvation of souls which is the purpose of their labours: these are themes occurring again and again in the letters. There is one instance of the pope alluding to the Dominicans' work as missionaries to convert pagans, in a letter close addressed to the king of Denmark.⁷⁷ It is noteworthy that it is not until *Quoniam abundavit iniquitas* of 6 May 1220 and 18 January 1221 that the role of the Dominicans in countering heresy is mentioned,⁷⁸ and Honorius III is not known to have

⁷³ See Marie-Humbert Vicaire, 'La "dispersion", la "fuite" ou la "mission" des frères en 1217?', *Mémoire Dominicaine*, 3 (1993), 165–71; Tugwell, 'Notes on the life of St Dominic, I–II', 38–41; idem, 'The evolution of Dominican structures of government, I: The first and last abbot', *Archivum Fratrum Praedicatorum*, 69 (1999), 5–60, at 16–20.

⁷⁴ *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 86.

⁷⁵ Koudelka, 'Notes sur le cartulaire de S. Dominique, Troisième Série'. See also Tugwell, 'Notes on the life of St Dominic, I–II', 41–8, 122–5; idem, 'Notes on the life of St Dominic, III', 16–19, 28–33, 55–9, 167–8.

⁷⁶ For exceptions see above at n. 3 and below at n. 82.

⁷⁷ *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 164. See Koudelka, 'Notes sur le cartulaire de S. Dominique, Troisième Série', 32; Tugwell, 'Notes on the life of St Dominic, V–VI', 74–5. From Koudelka's description ('Notes sur le cartulaire de S. Dominique, Troisième Série', 38), and particularly the address *a tergo*, it appears to be a letter close.

⁷⁸ *Monumenta Diplomatica S. Dominici*, ed. Koudelka, nos. 122, 140; Tugwell, 'Notes on the life of St Dominic, III', 167–8.

issued any further such letters. However, Gregory IX revived *Quoniam abundavit iniquitas*. He was no doubt attracted to its emphasis on the fight against heresy, and he frequently issued letters with this *arenga*.⁷⁹ Indeed, if one surveys all the letters of this pope in the *Bullarium Ordinis Praedicatorum*, it is striking how dominant is the theme of heresy; equally remarkable is the contrast with the letters of Honorius III concerning the order, in which the general pastoral role of the friars is to the fore.

A new aspect of the Dominicans' activities seems to enter Honorius III's letters in 1221. *Cum qui recipit* of 4 February of that year in the usual way recommends the friars to the prelates addressed in the letter and orders the prelates to assist them in their office of preaching, but it also requests them to permit those friars in priest's orders to hear confessions.⁸⁰ The letter has a general address, in other words its application is not confined to one diocese or other area of Christendom. While the Dominicans' activity as confessors is well documented under Gregory IX, some scholars have doubted the authenticity of this early testimony to it, regarding the passage referring to confession as an interpolation or the entire letter as a fabrication.⁸¹ However, M.-H. Laurent, O.P., drew attention to two further exemplifications of *Cum qui recipit*, dated 5 April and 22 May 1221, containing the clause about confession;⁸² while Luciana Cuppo, in a detailed study of its textual transmission, has convincingly argued for the authenticity of *Cum qui recipit*.⁸³ Nonetheless, confession features much less

⁷⁹ Koudelka, 'Notes sur le cartulaire de S. Dominique, Troisième Série', 40–3.

⁸⁰ *Monumenta diplomatica S. Dominici*, ed. Koudelka, no. 143. The passage about confession reads: 'benigne permittentes presbiteris eorumdem cum expedierit penitentium confessiones audire et consilium eis iniungere salutare, cum iidem fratres animarum intendentes profectibus discretos et cautos dirigant sacerdotes per quos salutare potest consilium preberi et remedium adhiberi et propter occasiones multiplices expediat interdum in alios sollicitudinem pastorem'.

⁸¹ See, e.g., *ibid.*, 146 n.

⁸² *Monumenta historica S.P.N. Dominici*, i: *Historia diplomatica S. Dominici*, ed. M.-H. Laurent, *Monumenta Ordinis Fratrum Praedicatorum Historica*, 15 (Rome, 1933), 150 n. 1.

⁸³ Luciana Cuppo, 'Cum qui recipit prophetam, Santa Sabina MS. XIV.A.4 and Dresden MS. A. 177: a study in textual transmission', to appear in a volume of essays in memory of Fr Leonard Boyle, edited by Brenda Bolton, Anne Duggan and Joan Greatrex. I am grateful to Professor Cuppo for permitting me to use her article. On the other hand *Cum qui receperit* (*sic*) of 11 Nov. 1219, printed in *Monumenta diplomatica S. Dominici*, ed. Koudelka, as Appendix II no. 4 (pp. 187–8) is undoubtedly a forgery. See *idem*, 'Notes sur le cartulaire de S. Dominique, Troisième Série', 8–10.

frequently in Honorius III's extant letters concerning the order than does preaching, in which the Dominicans engaged, to quote the *Tractatus de approbatione Ordinis Fratrum Predicatorum*, 'ex prerogativa et principali institutione'.⁸⁴ The licence to the friars to act as confessors is much commoner in the letters of recommendation of Gregory IX. During this pontificate, and later, it occurs in letters of recommendation with the incipit *Quoniam abundavit iniquitas*.⁸⁵ The first instance is from very early in the pontificate, 21 April 1227, that is, a month after the new pope's coronation.⁸⁶ Other letters with the same incipit and with slight variations in the wording of the section concerning confession follow.⁸⁷

While some letters of Honorius III in favour of the Dominicans contain favours that were commonly sought by religious orders, for instance, permission to celebrate the divine office in places subject to the Interdict,⁸⁸ most of them, as we have seen, clearly state or closely reflect the distinctive aims of the friars. A striking emphasis on these aims is also apparent in the prologue to the order's constitutions. It states that the head of any convent may dispense friars from observing the constitutions, especially where such observance may impede study, preaching and the salvation of souls.⁸⁹

⁸⁴ T. Käppeli, 'Tractatus de approbatione Ordinis Fratrum Praedicatorum', *Archivum Fratrum Praedicatorum*, 6 (1936), 139–60, at 148: '... aliud est quod fit ex quadam accidenti imitatione, et aliud quod ex prerogativa et principali institutione'. Käppeli dates this treatise 1260–70, while Tugwell gives the date as 1243: *Early Dominicans: Selected writings*, ed. Simon Tugwell (London, 1982), 44 n. 88.

⁸⁵ Koudelka, 'Notes sur le cartulaire de S. Dominique, Troisième Série', 40–4.

⁸⁶ Potth. 7880. The letter is addressed to the bishop of Olomouc and the prelates of his diocese.

⁸⁷ I have noticed the following issued by Gregory IX: Potth. 7896 (10 May 1227); AHN, Clero, carp. 3572/2 and *Schedario Baumgarten*, ed. Battelli and Pagano, I, no. 804 (two separate exemplars of 14 May 1227); AHN, Clero, carp. 1724/12 (= *Schedario Baumgarten*, ed. Battelli and Pagano, i, no. 821) (19 June 1227); Potth. 8042 (27 Sept. 1227); *Schedario Baumgarten*, ed. Battelli and Pagano, I, no. 906 (15 Feb. 1228); Potth. 8349 (5 Mar. 1229); Potth. 8500 (16 Mar. 1230); Koudelka, 'Notes sur le cartulaire de S. Dominique, Troisième Série', 41–2 (15 May 1231); Potth. 9306 (10 Oct. 1233); Potth. 9821 (= *Schedario Baumgarten*, ed. Battelli and Pagano, i, no. 1144) (12 Jan. 1235).

⁸⁸ Potth. 6800 (*Cum nos quibus* of 7 Mar. 1222).

⁸⁹ Thomas, *De oudste constituties*, 311: 'Ad hec tamen in conventu suo prelatus dispensandi cum fratribus habeat potestatem, cum sibi aliquando videbitur expedire, in hiis precipue, que studium vel predicationem vel animarum fructum videbantur expedire, cum ordo noster specialiter ob predicationem et animarum salutem ab initio noscatur institutus fuisse, et studium nostrum ad hoc principaliter ardentemque summo opere debeat intendere, ut proximorum animabus possimus utiles esse'.

A number of disparate elements contributed to the formation of the Order of Preachers. It emerged from the Cistercian preaching mission against heresy in Languedoc;⁹⁰ and preaching and orthodoxy remained central to the order's mission, with an emphasis on study as the essential means of training friars for their preaching mission.⁹¹ Yet the order had much in common with a number of new religious movements which emerged and were rapidly expanding in Italy and France, for instance, the Catholic Poor, the Humiliati and the Franciscans.⁹² The founder of the order was an Augustinian canon, and its earliest constitutions were modelled on those of another order of regular canons, the Premonstratensians. The order came into being soon after the Fourth Lateran Council, and the Dominicans' work was in part an attempt to put into effect the programme of reform enshrined in the canons of the Council and concerning, among other subjects, preaching, confession, orthodoxy, and clerical education. The letters of Honorius III concerning the order illustrate perhaps more fully than any other source the common aims of the papacy and the Dominicans in the first decade of the order's existence.

⁹⁰ On which see now Beverly Mayne Kienzle, *Cistercians, Heresy and Crusade in Occitania, 1145–1229* (York Medieval Press, 2001).

⁹¹ See the passage in the constitutions quoted above n. 89. See also M.M. Mulchahey, *'First the bow is bent in study . . .': Dominican education before 1350*, Pontifical Institute of Mediaeval Studies: Studies and Texts, 132 (Toronto, 1998).

⁹² The classic study is Herbert Grundmann, *Religious Movements of the Middle Ages*, translated by Steven Rowan from the second German edition (Darmstadt, 1961) (Notre Dame and London, 1995).

‘QUIDDAM MINUS CATHOLICUM SAPIEBAT’:
CONSUETUDINES AND RULE AMONG THE HUMILIATI
OF THE MILANESE HOUSE OF THE BRERA*

Maria Pia Alberzoni

The legislation approved for the Humiliati in June 1201 was the first example of a rule composed on the initiative of the Apostolic see. For this reason and because Innocent III played such a prominent role in its preparation, it has attracted the attention of historians ever since the fundamental research of Herbert Grundmann in the 1930s.¹ Brenda Bolton has also helped to clarify the meaning of the choices made by the Roman Curia when faced with expressions of a religious movement which was particularly active during the twelfth century and which, from the pontificate of Innocent III onwards, produced fundamental institutional innovations.²

The recent research of Frances Andrews on the Humiliati now provides an ample spectrum of new suggestions on the problem of the rule and on certain assumptions regarding its composition.³

* This article was translated with the assistance of Rosalind Goodier.

¹ H. Grundmann, *Movimenti religiosi nel Medioevo. Ricerche sui nessi storici tra l'eresia, gli Ordini mendicanti e il movimento religioso femminile nel XII e XIII secolo e sui presupposti storici della mistica tedesca* (Bologna, 1980; Italian translation of updated German edn, Darmstadt, 1961), esp. 85–95, now also in English, translated by S. Rowan, *Religious movements in the Middle Ages: the historical links between heresy, the Mendicant Orders, and the women's religious movement in the twelfth and thirteenth century, with the historical foundations of German mysticism* (Notre Dame, 1995); F.A. Dal Pino, *I frati Servi di s. Maria dalle origini all'approvazione (1233–ca. 1304)*, 1/ii, *Storiografia-Fonti-Storia*, Recueil de travaux d'histoire et de philologie, 4^e série, 49 (Louvain, 1972), 559–563 and M. Maccarone, *Studi su Innocenzo III*, Italia sacra. Studi e documenti di storia ecclesiastica, 17 (Padua, 1972), 284–290 are also still useful.

² B.M. Bolton, ‘Innocent III's Treatment of the Humiliati’, in *Popular Belief and Practice*, ed. G.J. Cuming and D. Baker, *SCH*, 8 (Cambridge, 1971), 73–82; Eadem, ‘Sources for the Early History of the Humiliati’, in *The Materials, Sources and Methods of Ecclesiastical History*, ed. D. Baker, *SCH*, 11 (Oxford, 1974), 125–133; Eadem, ‘The Poverty of the Humiliati’, in *Poverty in the Middle Ages*, ed. D. Flood, Franziskanische Studien, 27 (Werl, 1975), 52–59, these last two are now in Bolton, *Innocent III*, 52–59, 125–133; Eadem, *Lo spirito di riforma nel Medioevo*, Nuovo Medioevo, 34 (Naples, 1988) (Italian translation of *The Medieval Reformation*, Foundations of Medieval History, 3 (London, 1983).

³ Frances Andrews, *The Early Humiliati* (Cambridge, 1999) with bibliography referring to earlier articles by the author.

Representatives of the movement and certain prelates from the Po area of northern Italy as well as Innocent III and other members of the Roman Curia, contributed on various grounds to its composition. Explanations provided by recent studies on the subject now enable us to reflect further on the application of this norm in the earliest Humiliati establishments.⁴ Was the rule endorsed by the Curia in June 1201 known and applied on a local level? How could this be, if the corrected exemplar was retained *ad maiorem cautelam* by Innocent III at the Roman Curia and only solemnly issued to the Ministers, brothers and sisters of the Order by Gregory IX in 1227? Why did Gregory IX not address it to the Order's superiors, who alone could have guaranteed its diffusion and overseen its uniform application?

This last question touches on a central point in the history of the Humiliati, since at the current state of research it is impossible to say whether they actually had a defined leadership during the early decades.⁵ Although this problem may seem similar to that of the *fraternitas* of Francis, at least until 1220, it must be remembered that the Humiliati were also unable to call on a founder acknowledged either by the brethren or by the Roman Curia.⁶ The absence of a charismatic and beatified figure constitutes the most difficult aspect of their history. The Humiliati themselves only fully realised the extent of the difficulty in the 1240s, in the midst of the conflict between Frederick II and the papacy. Religious from the Po area, where the Order was most widely settled, were heavily involved in

⁴ M.P. Alberzoni, 'Gli inizi degli Umiliati: una riconsiderazione', in *La conversione alla povertà nell'Italia dei secoli XII–XIV*, Atti dei Convegni dell'Accademia Tudertina e del Centro di studi sulla spiritualità medievale, 27 (Spoleto, 1991), 187–237; D. Castagnetti, 'La regola del primo e secondo Ordine dall'approvazione alla "Regula Benedicti"', in *Sulle tracce degli Umiliati*, ed. M.P. Alberzoni, A. Ambrosioni and A. Lucioni, Bibliotheca erudita. Studi e documenti di storia e filologia, 13 (Milan, 1997), 163–240; Andrews, *The Early Humiliati*, 99–135.

⁵ Andrews, *The Early Humiliati*, 202–206.

⁶ R. Rusconi, 'Francesco d'Assisi, santo (Francesco di Pietro Bernardone)', in *Dizionario biografico degli Italiani*, xlix (Rome, 1997), 664–678, now reprinted with bibliography in Idem, *Francesco d'Assisi nelle fonti e negli scritti*, Fonti e ricerche, 17 (Padua, 2002); Idem, "'Clerici secundum alios clericos": Francesco d'Assisi e l'istituzione ecclesiastica', in *Frate Francesco d'Assisi*, Atti dei Convegni della Società internazionale di studi francescani e del Centro interuniversitario di studi francescani, 21 (Spoleto, 1994), 89–96, where Rusconi argues for the absence of any superior of the order until 1223.

supporting the pope.⁷ Fundamental changes in the structure and self-perception of the Humiliati, analogous to those of the Mendicants, were brought about by this involvement.⁸ Indeed, it was only during the pontificate of Innocent IV that the Humiliati fully realised the gravity of their acephalous state and sought to remedy it by instituting a Master General in 1246.⁹

The rejection of an internal hierarchy seems to have been a defining characteristic of the various *fraternitates* which emerged during the twelfth century—we need think only of the famous cases of Valdes, Francis and even Dominic.¹⁰ The beginning of these Orders

⁷ M.P. Alberzoni, 'Giacomo di Rondineto: contributo per una biografia', in *Sulle tracce*, esp. 152–155.

⁸ G. Barone, 'Federico II di Svevia e gli Ordini Mendicanti', *Mélanges de l'École Française de Rome. Moyen Age-Temps modernes*, 90/2 (1978), 607–626 (= Eadem, *Da frate Elia agli Spirituali*, Fonti e ricerche, 12 [Milan, 1999], 141–160); A. Voci, 'Federico II imperatore e i Mendicanti: privilegi papali e propaganda anti-imperiale', *Critica storica* 22 (1985), 3–28; D. Berg, 'Staufische Herrschaftsideologie und Mendikantenspiritualität. Studien zum Verhältnis Kaiser Friedrichs II. zu den Bettelorden', *Wissenschaft und Weisheit*, 51 (1988), 26–51 and 185–209; Idem, 'L'impero degli Svevi e il gioachimismo francescano', in *L'attesa della fine dei tempi nel Medioevo*, ed. O. Capitani and J. Miethke, Annali dell'Istituto storico italo-germanico in Trento, 28 (Bologna, 1990), 133–167; G. Barone, 'La propaganda anti-imperiale nell'Italia federiciana: l'azione degli Ordini Mendicanti', in *Federico II e le città italiane*, ed. P. Toubert and A. Paravicini Bagliani (Palermo, 1994), 278–289 (= Eadem, *Da frate Elia*, 159–172); C.D. Fonseca, 'Federico II e gli Ordini Mendicanti', in *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*, ed. A. Esch and N. Kamp, Bibliothek des Deutschen Historischen Instituts in Rom, 85 (Tübingen, 1996), 163–181; G. Andenna, 'Federico II ed i Mendicanti di Lombardia: dalla collaborazione allo scontro', *"Tabulae" del Centro di studi federiciani*, 11/1 (1998), 41–67; D. Berg, 'Kaiser Friedrich II. und die Mendikanten', in Idem, *Armut und Geschichte. Studien zur Geschichte der Bettelorden im Hohen und Späten Mittelalter*, Saxonia Franciscana, 11 (Werl, 1999), 265–299; Idem, 'Papst Innocenz IV. und die Bettelorden in ihren Beziehungen zu Kaiser Friedrich II.', in *'Vita religiosa' im Mittelalter. Festschrift für Kaspar Elm zum 70. Geburtstag*, ed. F. Felten and N. Jaspert, Berliner historische Studien, 31; Ordensstudien, 13 (Berlin, 1999), 461–481.

⁹ Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 198 (1246 ottobre 13): 'quosdam ex fratribus vestris dudum cum vestris litteris ad nostram praesentiam destinastis, per quos fuit nobis ex parte vestra humiliter supplicatum, ut vobis quasi acephali, ac religioni vestrae velut naviculae absque prora projecta in maris fluctibus constitutae, providere de uno capite praeposito vel magistro de benignitate sedis apostolicae curaremus'; Andrews, *The Early Humiliati*, 206–209; M.P. Alberzoni, 'Umiliati e monachesimo', in *Il monachesimo italiano nell'età comunale*, ed. F.G.B. Trolese, Italia benedettina. Studi e documenti di storia monastica, 16 (Cesena, 1998), 219–251.

¹⁰ M.D. Chenu, "'Fraternitas". Evangile et condition socio-culturelle', *Revue d'histoire de la spiritualité*, 49 (1972), 385–400; for the Waldensians see K.-V. Selge, *Die ersten Waldenser, mit Edition des 'Liber Antiheresis' des Durandus von Osca*, 2 vols (Berlin, 1967); G.G. Merlo, *Eretici ed eresie medievali* (Bologna, 1989), 49–56; on Francis see now M.P. Alberzoni, *'Unus novellus pazzus in mundo. Individualità e affermazione del*

was not marked by the lack of a charismatic figure, but resistance to a hierarchical structure is characteristic of the attachment to the apostolic life. These three founders were in fact reluctant to assume ultimate responsibility in their respective fraternities, as the case of Francis reveals particularly clearly.¹¹ Paradoxically, it was to be the intervention of the Roman Church, when accepted, which facilitated the appointment of a single superior, according to the new model for an Order drawn up in canon law.¹² Thus, according to the anonymous *Vita* of Gregory IX, Francis was placed at the head of his Order by the Pope, while Dominic was the preferred contact for Ugolino d'Ostia and Honorius III.¹³ In this process, both deeply normalizing and constitutionally innovative, the papacy was able to exploit the full potential of canonization, having recognized early on that a canonized founder provided a crucial pivot in the unification of an Order, as well as a stronger link with the body which approved the act of canonization, i.e. the Roman Church.¹⁴

The Humiliati were bereft of these benefits, because the papacy moved too late in their regard, so that certain habits and customs

carisma', in *Das Eigene und das Ganze. Zum Individuellen im mittelalterlichen Religiosentum*, ed. G. Melville and M. Schürer, 'Vita regularis'. Ordnungen und Deutungen religiösen Lebens im Mittelalter, 16 (Münster, 2002), 269–301; M.P. Alberzoni, 'La memoria contrastata. Ancora su Francesco e Ugolino d'Ostia', in *Ovidio Capitani. Quaranta anni per la Storia medievale*, ed. M.C. De Matteis (Bologna, 2003), 89–104.

¹¹ Alberzoni, 'La memoria contrastata', 97–101.

¹² G. Melville, "Diversa sunt monasteria et diversa habent institutiones". Aspetti delle molteplici forme organizzative dei religiosi nel Medioevo', in *Chiesa e società in Sicilia. I secoli XII–XVI*, ed. G. Zito (Turin, 1995), 323–345; Idem, 'Ordensstatuten und allgemeines Kirchenrecht. Eine Skizze zum 12./13. Jahrhundert', in *Proceedings of the Ninth International Congress of Medieval Canon Law*, ed. P. Landau, Monumenta Iuris Canonici. Series C, x (Vatican City, 1996), 691–712.

¹³ *Vita Gregorii papae IX*, in *RIS*, iii, 575: '... in Ostiensem Episcopum ordinatus. Cujus officii tempore Poenitentium fratrum et Dominarum inclusarum novos instituit Ordines, et ad summum usque provexit. Minorum etiam Ordinem intra initia sub limite incerto vagantem novae regulae traditione direxit, et informavit informem, beatum Franciscum eis ministrum praeficiens et rectorem', reprinted in *Liber Censuum*, ii, 18; on Dominic see H.C. Scheeben, *Der heilige Dominikus* (Freiburg im Breisgau, 1927), 109–231 (*Die Gründung des Predigerordens*); M.D. Vicaire, *Histoire de saint Dominique*, ii, *Au cœur de l'Église* (Paris, 1982), 309–321; *Acta canonizationis sancti Dominici*, ed. A. Walz, Monumenta historica S.P.N. Dominici, ii (Rome, 1935), 127–128; S. Tugwell, *Notes on the Life of St Dominic, Archieum fratrum Praedicatorum*, 66 (1996), 9–169. See also the paper by Patrick Zutshi in this volume.

¹⁴ A. Vauchez, *La sainteté en Occident aux derniers siècles du Moyen Âge d'après les procès de canonisation et les documents hagiographiques*, Bibliothèque des Écoles françaises d'Athènes et de Rome, 241 (Rome, 1988), 71–129; English translation by J. Birrell, *Sainthood in the Later Middle Ages* (Cambridge, 1997).

of self-governance in the Order had already been consolidated. Gregory IX recognized the problem and, in the case of Francis, allowed not even two years to pass before proclaiming his sainthood, thus solemnly confirming the connection, in life as in death, with the Roman Church. The *iter* of Dominic's canonization was longer, but in this case too the objective of consolidating the Order was immediately evident.¹⁵

Let us now focus more specifically on the consequences of the absence of a canonized founder for the structural development of the Humiliati in the 1220s.

In the letter sent by Innocent III in June 1201 giving his solemn approval to the first Order of the Humiliati, the author sets out the defining features of the future government of the entire three-part structure. The suggested format would certainly not have been easy to bring about given that, up to that point, the Order lacked not only a unitary form, but also a single organizational system for the various houses and for the different elements within them. Relations between the various *domus* of the Humiliati were perhaps similar to those between monasteries under episcopal jurisdiction, with bonds between them mainly of a purely spiritual nature.¹⁶ According to Innocent III's instructions, with explicit reference to the Cistercian model, the provosts of the four earliest houses of the first Order were made principal provosts—namely, Giacomo di Rondineto, Lanfranco di Viboldone, Trancherio di Vialone (Pavia) and Lanfranco di Lodi—the same who had been instrumental in establishing contacts with the papacy and who had succeeded in obtaining approval for the rule of their Order. As such, they were to assume the task of visiting all the houses of the Order and overseeing any corrections to ensure that they observed the legislation approved by the Apostolic See. The four main provosts were to assume these duties in turn, following a system of annual rotation, so that each took their turn every four years. In addition, these four provosts, together with four prelates of the so-called second Order and four ministers of the third Order, were to convene annually a Chapter to deal with

¹⁵ Salimbene de Adam, *Cronica*, ed. G. Scalia, Scrittori d'Italia, 232–233 (Bari, 1966), 102; L. Canetti, *L'invenzione della memoria. Il culto e l'immagine di Domenico nella storia dei primi frati Predicatori*, Biblioteca di Medioevo latino, 19 (Spoleto, 1996) considers in particular the influence of the order on his sanctity.

¹⁶ The reference point on these developments is now Andrews, *The Early Humiliati*, 56–63 and 136–172 (cap. 5, *In search of community*).

any problems to have emerged during the year, be they temporal—in which case the lay brothers were also allowed to have an input—or spiritual—in which case only the regulars were qualified to intervene.¹⁷

It is clear therefore that right from the beginning, the internal structure of the Order lacked charismatic figures, even though, as I have attempted to demonstrate elsewhere, a place of primary importance was certainly allotted to Giacomo di Rondineto, both because he had obtained Papal recognition for the Order and because of his involvement in the composition and approval of a common rule.¹⁸ The special relationship between Innocent III and Giacomo di Rondineto, and consequently with the house in Rondineto (Como) is even attested in the *Gesta Innocentii pape III*. Amongst the substantial donations made by the Pope for the maintenance of churches, monasteries and regular houses, one to the church of S. Maria di Rondineto in the bishopric of Como is recorded, consisting of two chasubles, one scarlet in colour, the other crimson, a red dalmatic with golden beads, a red tunic with golden decoration and a gold-trimmed silk stole.¹⁹

Within the lay branch of the Order a charismatic role was instead played by the Milanese Guido di Porta Orientale, a descendent of a family traditionally linked by bonds of vassalage to the Ambrosian Church, which had in fact provided it with an Archbishop, Arnolfo III. Guido was the contact favoured by Innocent III when preparing for the approval of the *propositum* of the third Order. Down to the second decade of the thirteenth century, he was certainly leader of those members of the Humiliati who remained married.²⁰ He played an important part in the foundation of the house of Viboldone, such that in the sixteenth century the brothers identified him as their

¹⁷ Andrews, *The Early Humiliati*, 99–111; the text of the letters for the first and second orders is edited in M.P. Alberzoni, 'Die Humiliaten zwischen Legende und Wirklichkeit', *MIÖG*, 107 (1999), 345–353.

¹⁸ Alberzoni, 'Giacomo di Rondineto'; Eadem, 'Die Humiliaten', 338–342; Andrews, *The Early Humiliati*, 74–77.

¹⁹ *Gesta* col. ccviii.

²⁰ L. Zanoni, *Gli Umiliati nei loro rapporti con l'eresia, l'industria della lana ed i comuni nei secoli XII e XIII* (Milan, 1911, reprinted 1970), 272–275; M.P. Alberzoni, 'San Bernardo e gli Umiliati', in *San Bernardo e l'Italia*, ed. P. Zerbi, *Bibliotheca erudita. Studi e documenti di storia e filologia*, 8 (Milan, 1993), 101–129; Eadem, 'Umiliati e monachesimo', 221–225; Andrews, *The Early Humiliati*, 77–80.

principal benefactor and founder of the *domus*, in association with the most important members of the Milanese clergy and the Cardinal legate Pietro Diani.²¹ Guido was moreover included in the Humiliati's own Sanctorale.²²

Numerous factors thus lead us to argue that the reconciliation of the Humiliati with the Roman Church and their solemn approval owe less to a papal initiative, as the historiography following Grundmann vigorously emphasized, and rather more to relations maintained by certain prominent members of the Order (in the absence of a founder), with important members of the local clergy (Galdino della Sala, Uberto Crivelli, Pietro Diani, Alberto di Vercelli, Lanfranco di Pavia, Filippo da Lampugnano, Gerardo da Sesso, Arderico di Lodi, to name but a few) and also with both the Pope and the Curia.²³ Indeed in 1211 Giacomo di Rondineto was part of the retinue of the papal legate Gerardo da Sesso from whom he obtained an important privilege of protection for the Order, as well as support for the diffusion of the new *religio* in other towns, including for example, Parma.²⁴

It is, however, likely that Giacomo and the other main provosts met with strong resistance to their attempts to introduce the regulations established by Innocent III for the regular Humiliati and that they therefore sought the support of the Pope or of the Cardinals in order to ensure that their authority was recognized within the

²¹ M. Tagliabue, 'Gli Umiliati a Viboldone', in *L'Abbazia di Viboldone* (Milan, 1990), 11–15; Alberzoni, 'Umiliati e monachesimo', 223–224 and Andrews, *The Early Humiliati*, 44–48; the reference is to C. Grandjean, *Les Registres de Benoît XI* (Paris, 1883–1905), no. 817, col. 500; on the Piacentine Pietro Diani, Cardinal priest of Santa Cecilia, see W. Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216. Die Kardinäle unter Coelestin III. und Innocenz III.*, Publikationen des Historischen Instituts beim Österreichischen Kulturinstitut in Rom, 1/vi (Vienna, 1984), 85–88; Idem, 'Diani, Pietro (Petrus Dianus Placentinus)', in *Dizionario biografico degli Italiani*, xxxix (Rome, 1991), 648–650.

²² Tiraboschi, *Vetera Humiliatorum monumenta*, i, 44–47 and 193–196; Alberzoni, 'Gli inizi degli Umiliati', 212–217.

²³ See now the careful observations on this subject by M. Wehrli-Johns, 'Das mittelalterliche Beginntum. Religiöse Frauenbewegung oder Sozialidee der Scholastik? Ein Beitrag zur Revision des Begriffes "religiöse Bewegungen"', in *Zahlreich wie die Sterne des Himmels. Beginnen am Niederrhein zwischen Mythos und Wirklichkeit*, Bensberger Protokolle, 70 (Bergisch-Gladbach, 1992), 9–39; Eadem, 'Voraussetzungen und Perspektiven mittelalterlicher Laienfrömmigkeit seit Innozenz III. Eine Auseinandersetzung mit Herbert Grundmanns "Religiösen Bewegungen"', *MIÖG*, 104 (1996), 286–309.

²⁴ Alberzoni, 'Giacomo di Rondineto', 148–151; Andrews, *The Early Humiliati*, 75–77.

Order and to bring about the regulation of the Order in its entirety. Giacomo and the other initiators of the Humiliati movement must have felt keenly the failure of the legislation outlined by Innocent III. Perhaps as a consequence, before 1217 the provost of Rondineto left both the house he had founded and the direction of the Order. He either moved to, or himself founded, a Hospital community in Doragno, then in the diocese of Como, but now in Switzerland.²⁵ He nevertheless maintained relationships of a prestigious nature, for example with Cardinal Ugolino d'Ostia, the future Pope Gregory IX when, in 1218, Ugolino was entrusted with the Papal Legation in Lombardy to pacify the communes and collect funds for the Crusade.²⁶

Lanfranco di Lodi, first provost of the House of S. Cristoforo and then of Ognissanti, displayed a parallel propensity for favourable links with the Apostolic See and its legates—in this case with Gerardo da Sesso. But he too disappears from the scene early, and was perhaps dead before August 1211.²⁷

What can be defined as the 'historic leadership' of the Humiliati thus failed in the second decade of the thirteenth century. This certainly favoured the increasingly pointed and deep-rooted tendencies towards autonomy peculiar to Humiliati houses. In such a context it is most improbable that the collective leadership outlined by Innocent III was in reality successfully applied. The scarce and discontinuous nature of the surviving documentation prevents us from identifying any authority that stood as a point of reference for the whole Order. Rather, it seems that it had more or less dissolved, giving way to religious communities independent of each other, or linked only to their respective filiations.²⁸ Thus it seems reasonable to speak of a Humiliati Order only after 1246; that is, after the Order was once again restructured into a united whole and thus sanctioned by Innocent IV.²⁹

²⁵ A. Moretti, *Gli Umiliati, le comunità degli ospizi della Svizzera Italiana*, Helvetia Sacra, ix/1 (Basel-Frankfurt am Main, 1992), 16.

²⁶ Maleczek, *Papst und Kardinalskolleg*, 126–133; on the task entrusted to Giacomo di Rondineto of going to Vercelli in November 1218 to receive the commune's oaths accepting the directives of the Cardinal, see Alberzoni, 'Giacomo di Rondineto', 149–151; Andrews, *The Early Humiliati*, 76.

²⁷ E. Mercatili Indelicato, 'Per una storia degli Umiliati nella diocesi di Lodi. Le case di S. Cristoforo e di Ognissanti nel XIII secolo', in *Sulle tracce*, 353–379.

²⁸ Andrews, *The Early Humiliati*, 163–165.

²⁹ A. Ambrosioni, 'Umiliate/i', in *Dizionario degli Istituti di perfezione*, vi (Rome, 1997), cols 1489–1507.

The reasons for the institutional weaknesses experienced by the Humiliati from the second decade of the thirteenth century onwards can be imputed to the pioneering quality of their approval by the Roman Curia, to say nothing of the blatant contradictions inherent in the rule given to them. There are inconsistencies for example between the letters of approval of 1201 and the papal rule, regarding the election of superiors and the payment of tithes.³⁰ It is also difficult to explain the existence of two different groups of regulars of the Order (the so-called First and Second Orders). These were clearly distinguished by the papal chancery, as is clear from the two letters of approval of 12 and 16 June 1201, but they were subject to a single rule, which indeed soon became impracticable for them both.³¹

Who inspired this complex and innovative structure for the Humiliati? Recent hypotheses point to the work of Joachim da Fiore as a monastic reformer and to the extent of his influence, either directly or through others close to him, on the Roman Curia. This theory gains validity from the presence in the curial commission entrusted by Innocent III with the revision of the Humiliati rule of brother Raniero (Raniero di Fossanova or di Ponza), a monk highly esteemed by the pope, who was for a period an associate of Joachim and who was accused with him in 1192 of being *fugitivus* from the Cistercian Order.³² Marco Rainini has recently corroborated and elaborated on an idea first formulated by Fiona Robb.³³ The idea

³⁰ Castagnetti, 'La regola', 170–186; Andrews, *The Early Humiliati*, 99–111.

³¹ The edition of the two letters is in Alberzoni, 'Die Humiliaten', 345–353; for dispensations from the rule see Castagnetti, 'La regola', 186–194.

³² H. Grundmann, 'Zur Biographie Joachims von Fiore und Rainers von Ponza', *Deutsches Archiv für Erforschung des Mittelalters*, 16 (1960), 437–546 (reprinted in Idem, *Ausgewählte Aufsätze*, ii, *Joachim von Fiore*, MGH, Schriften, 25/ii [Stuttgart, 1977], 255–360); G.L. Potestà, 'Raniero da Ponza "socius" di Gioacchino', *Florensia*, 11 (1997), 69–82; M.P. Alberzoni, 'Raniero da Ponza e la curia romana', *ibid.*, 83–112; C. Egger, 'Papst Innocenz III. als Theologe. Beiträge zur Kenntnis seines Denkens im Rahmen der Frühscholastik', *AHP*, 30 (1992), 55–123; Idem, 'Joachim von Fiore, Rainer von Ponza und die römische Kurie', in *Gioacchino da Fiore tra Bernardo di Clairvaux e Innocenzo III*, ed. R. Rusconi (Rome, 2001), 130–162.

³³ M. Rainini, 'Dall' "ordinamento degli statuti" al *novus ordo*: lo sviluppo dei progetti di Gioacchino da Fiore per una nuova forma di vita religiosa', *Florensia*, 15 (2001), 7–44; F. Robb, "'Who Hath Chosen the Better Part (Luke 10,42)". Pope Innocent III and Joachim of Fiore on the Diverse Forms of Religious Life', in *Monastic studies*, i, *The continuity of Tradition*, ed. J. Loades (Bangor, 1991), 157–170; Eadem, 'Did Innocent III Personally Condemn Joachim of Fiore?', *Florensia*, 7 (1993), 77–91; Eadem, 'Joachimist Exegesis in the Theology of Innocent III and Rainer of Ponza', *Florensia*, 11 (1997), 137–152.

of three Orders co-existing within the same institutional reality seems to have been suggested to Innocent III directly by the work of Joachim, who had anticipated a new *Ordo* composed of groups of both religious and lay members dedicated to various aspects of the life and mission of the Church.³⁴

The *arena* of the letter *Licet multitudini credentium* of December 1200, in which Innocent III first addressed the Humiliati, outlining the procedure for the drawing up of their rule and its approval, ties in with such a vision. It constructs a eulogy to the glory of the different charisms in the Church who, far from obstructing its unity, increase its harmony and beauty, comparable to that of the queen with multi-coloured vestments (*circumamicta varietate*) seated to the right of the King (Ps 44:10).³⁵ It is precisely in the *arena* of this letter that the pope uses a deeply significant expression: the faithful form a single body, which is why it is said that there is but one dove.³⁶ His use of this image is worthy of attention in view of the structure which the Humiliati were about to receive (different tasks and different vocations in a single Order). It becomes yet more interesting when compared with Table XII of the *Liber figurarum*, in which Joachim presents his image of the new Order: a cross with seven distinct houses (*mansiones*) for the different components of the Order (Senior Brothers, workers, scholars, those who serve as an example to others, together with the *pater spiritualis*—these were located at the centre of the cross—priests and clerics living in community, married lay members with their families). The centre of the cross, the point corresponding

³⁴ Rainini, 'Dall' "ordinamento degli stati"', 31–32; comparison of a passage in the *Concordia Novi ac Veteris Testamenti* with one in the *Apologia ad Guillelmum Abbatem* of Bernard of Clairvaux reveals the peculiarity of Joachim's thought on the religious life: while Bernard imagines a variety of *ordines* in a single Church, 'Gioacchino vuole giustificare molti *status vitae*—monaci, chierici, laici—raggruppati in una sola *religio*'.

³⁵ Rainini, 'Dall' "ordinamento degli stati"', 33–44, at 37: 'Tutte le citazioni sono scelte con l'evidente intento di sottolineare l'unità nella diversità, che è il grande tema dell'intera *arena*'; Innocent's letter was also discussed by M. Maccarrone, 'Riforme e innovazioni di Innocenzo III nella vita religiosa', in Idem, *Studi su Innocenzo III*, 221–337; Dal Pino, *I frati Servi*, 559–560; Alberzoni, 'Gli inizi degli Umiliati', 200–217; Eadem, 'Die Humiliaten', 343–345; Andrews, *The Early Humiliati*, 69–72.

³⁶ Alberzoni, 'Die Humiliaten', 343–344: 'Licet multitudini credentium debeat esse cor unum et anima una [Acts 4:32], cum secundum apostolum omnes fideles sint unum corpus in Christo [Rms 12:5], *propter quod una dicitur esse columba* [Cant 6:8], ecclesia tamen non solum propter varietatem virtutum et operum, sed etiam propter diversitatem officiorum et ordinum dicitur ut castrorum acies ordinata [Cant 6:9], in qua videlicet diversi ordines militant ordinatim'.

to the *mansio* of the head of the entire Order, contains in large letters, the word *columba*.³⁷ It is therefore reasonable to conclude that 'the context of *Licet multitudini* and the quotations contained therein recall with surprising clarity the plans of Joachim'.³⁸

The Order of the Humiliati with its various and, perhaps, artificial branches was thus an important step in the experiments of the papacy of Innocent III.³⁹ It can even be seen to represent an attempt at reform of the Church based on the most respected models of the day, both because of the reputation as a monastic reformer of their elaborator (as in the case of Joachim)⁴⁰ and in the context of the ecclesiological debate concerning the role of the laity in the Church which was then extremely lively in Paris, especially in the circle of Peter the Chanter.⁴¹ This was furthermore a completely unprecedented procedure for the Papal Curia which, when faced with legislation for religious Orders, usually granted approval to forms of life which had emerged from below, only once experience had already proven their validity and the success of recruitment had in some way conferred public 'approval'.⁴²

³⁷ R. Rusconi, 'Presentazione', in L. Tondelli, M. Reeves and B. Hirsch-Reich, *Il libro delle figure dell'abate Gioacchino da Fiore* (Turin, 1990), 3–12, at 11: Table XII, showing the *Dispositio novi ordinis pertinens ad tertium statum ad instar superne Jerusalem*. Essa 'costituiva in effetti la sintesi iconografica di un ordinamento monastico proiettato nel tempo futuro dell'escatologia. (...) questa figura ha un proprio preciso retroterra in una sorta di messianismo monastico, caratteristico di alcuni ambienti cistercensi. Durante il corso degli anni, in verità, nel pensiero gioachimita la "ordinata domus religionis" del *Liber Concordie* si era dunque sviluppata ed evoluta nel "novus ordo" della Gerusalemme celeste dell'*Expositio*'. Analysis of the figura is in Rainini, 'Dall' "ordinamento degli stati"', 12–28.

³⁸ Ibid., 40.

³⁹ For this reason I believe Brenda Bolton's suggestion that Innocent III played a substantial role in shaping the Humiliati has acquired renewed importance, see Bolton, 'Innocent III's Treatment'.

⁴⁰ V. De Fraja, 'L'ordine fiorense: un quadro storiografico', in *Dove va la storiografia monastica in Europa? Temi e metodi di ricerca per lo studio della vita monastica e regolare in età medievale alle soglie del terzo millennio*, ed. G. Andenna (Milan, 2001), 419–441.

⁴¹ P. Buc, "'Vox clamantis in deserto'"? Pierre le Chantre et la prédication laïque', *Revue Mabillon*, 65 (1993), 5–47; Wehrli-Johns, 'Das mittelalterliche Beginentum', esp. 21–28.

⁴² See for example, the supposed oral approval given by Innocent III to Francis, through which the pope retained the right to await the development of the *fraternitas*, see W. Maleczek, 'Franziskus, Innocenz III., Honorius III. und die Anfänge des Minoritenordens. Ein Neuer Versuch zu einem alten Problem', in *Il papato duecentesco e gli Ordini mendicanti*, Atti dei convegni della Società internazionale di Studi francescani e del Centro interuniversitario di Studi francescani, 25 (Spoleto, 1998), 23–80.

These considerations lead us to the heart of the institutional troubles which marked the history of the Humiliati and prompted perpetual changes. This is reflected in the organization of the Order (the so-called Third Order was soon abandoned to itself by the regulars),⁴³ until its centralization and the naming of a master general. It is equally true of the rule, which was quickly found to be impracticable and began to be substituted or adapted using the model of the rule of Benedict.⁴⁴

It is possible, therefore, to hypothesize that no proper, universally recognized direction of the Order existed until 1246, and that even after this date it was only with difficulty that it was imposed.⁴⁵ It is possible that until this point, there was no meeting of the General Chapter, a body considered by Innocent III to be essential to the consistent correction and reform of the regular life.⁴⁶ Already in 1227 Gregory IX attempted to rectify this situation with the appointment of trios of monastic visitors, comprising mainly of Dominicans. They were to perform the *officium visitationis* at least once a year in the exempt monasteries of the Benedictine Order, houses of regular canons, Humiliati *domus* and in hospitals. The Cistercians and the *pauperes moniales inclusae*, the future order of S. Damiano, were excluded on the grounds that they already had valid internal systems of *correctio* in operation.⁴⁷

The earliest example of such a procedure is found in the document of 4 September 1227, in which Gregory IX entrusted the visitation of the exempt monasteries and of the Humiliati of the dioceses of Cremona, Brescia and Bergamo to brother Rogerio, deputy prior of the Friars Preacher in Bologna, to his fellow friar brother Migliorato and to the priest Giovanni di Gambara.⁴⁸ The Dominican priors

⁴³ Alberzoni, 'San Bernardo e gli Umiliati', 118–129, and bibliography cited there.

⁴⁴ Castagnetti, 'La regola', 210–222; Andrews, *The Early Humiliati*, 202–219.

⁴⁵ As demonstrated by resistance to the authority of the Master General, on which see the papal interventions supporting him, Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 246–247, 260–266, 278–289; Andrews, *The Early Humiliati*, 211–217.

⁴⁶ Maccarrone, *Studi*, 226–262; Idem, 'Le costituzioni del IV concilio lateranense sui religiosi', in Idem, *Nuovi studi su Innocenzo III*, ed. R. Lambertini (Rome, 1995), 19–26.

⁴⁷ Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 167; see now J. Oberste, *Die Dokumente der klösterlichen Visitationen*, Typologie des sources du Moyen Âge occidental, 80 (Turnhout, 1999), esp. 63, where, on the basis of X, 3, 35, 8 (Friedberg, ii, col. 601) it is clear that papal *visitatio* is reserved for monasteries 'qui non consueverunt huiusmodi capitulum celebrare'; Maccarrone, 'Le costituzioni', 33.

⁴⁸ Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 167–168; Andrews, *The Early Humiliati*, 204–205.

Ioachim de Sancta Maria and Giordano with their *confrater* Gandolfo of the Paduan house were to fulfill equivalent duties in the dioceses of the Marca Trevigiana.⁴⁹ A similar undertaking, in this case concerning the diocese of Milan and possibly other neighbouring dioceses, was, in my opinion, quite possibly entrusted to two further Dominicans, Al., prior of the Milanese cloister of S. Eustorgio and brother Al. of Parma, together with *magister Oldericus*, canon of the Milanese church of S. Stefano in Brolio. These three were to ensure that all those defining themselves as Humiliati should observe the rule of the Order, if this had not already been undertaken by the Archbishop Enrico da Settala before the following Easter.⁵⁰ The document is of undoubted interest, both because it shows the initiative taken by the Humiliati themselves to achieve institutional clarity,⁵¹ and also because it allows us to argue that *magister Oldericus* played a significant role in the 'regularization' of the Humiliati. His name is recorded on the verso of the original of the rule, now preserved in the Archivio Storico of the Diocese of Milan.⁵² It is likely that he impetrated it at the papal curia.

If it was only with the pontificate of Gregory IX that the refounding of the Humiliati Order on a juridical basis was set in motion, many questions concerning the situation prior to this remain unanswered.

⁴⁹ Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 167 note 1.

⁵⁰ Andrews, *The Early Humiliati*, 263 no. 34; Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 169–170.

⁵¹ Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 169: 'Dilecti filii prepositi et ministri Humiliatorum de Lombardia transmissa nobis petitione monstrarunt, quod cum tibi [the archbishop Enrico] dederimus in mandatis, ut omnes, qui in Lombardia ac Marchia humiliatos se dicunt, monere ac inducere procurares, quod regulam seu vivendi formam approbatam (...) profiterentur pariter et servarent, et qui nollent hoc facere nomine, habitu, loco et possessionibus humiliatorum relictis ad aliquem aliud de Ordinibus approbatis (...) compellendo, nondum super hoc mandatum apostolicum implevisti.'

⁵² Castagnetti, 'La regola', 181–182; Andrews, *The Early Humiliati*, 109 and 261 no. 28; *magister Oldericus, filius quondam Petribelli*, was present as a witness to an act stipulated in the canonica of S. Stefano in Brolio, 22 July 1229 (Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 171–172), through which Fra Beltramo, syndic of the *domus de Ultracino* in Pavia asked the provost of S. Stefano, Alberto, to ensure that the bishops and chapter of Pavia respect an order of the Cardinal Legate, Goffredo Castiglioni, repeating the fiscal immunity of the hospital of Santa Giustina, recently given to the Humiliati by the pope; another privilege of the legate in favour of the Humiliati of Pavia, this time against burdens imposed by the civil authorities is published in R. Soriga, 'Per la storia degli Umiliati di Pavia', *Bollettino della Società pavese di storia patria*, 16 (1916), 190. On the employment of religious by civil authorities, see the paper by Frances Andrews in this volume.

Firstly, for the whole of the pontificate of Honorius III (July 1216–March 1227), Tiraboschi records only two letters, both dated 13 December 1226 and addressed to the Milanese house of the Brera, which was undoubtedly the most prestigious of those belonging to the so-called Second Order.⁵³ In reality, the learned Jesuit failed either to publish or catalogue at least one document which we know was available to him since it was sent to the Brera house and is still in the archive. This is the confirmation, issued on 18 December 1220, of the letter of approval of the Second Order, written *ad exemplar* of Innocent III's of 12 June 1201.⁵⁴ In any case, Honorius III's interventions were modest if only in comparison to the pontificate of Gregory IX, when fourteen documents concerning the Humiliati survive for the period from May to December 1227 alone.⁵⁵ On the one hand, requests from the Humiliati to Honorius III may have been lacking, perhaps because the legations of Ugolino in northern Italy took place between 1217–1218 and 1221 and thus members of the Order had contact with the legate. On the other hand, we must allow for the prevalence of deep-rooted local autonomies, not unconnected with the disappearance of the leaders who had established relations with the Apostolic See from the turn of the century.

The two papal letters of 1226, both addressed to the house of the Brera, do, however, mark a turning-point in the relations of the Humiliati with the Papacy, in that they reveal the initiative taken by certain religious—whose names are unknown—in reporting certain serious problems to Honorius III.⁵⁶ The journey of the brothers of the Brera to Rome was perhaps facilitated by the fact that in this period negotiations between the papal Curia and representatives of the various cities in the Lombard League were underway. On 11

⁵³ Andrews, *The Early Humiliati*, 259–260, nos 20–21; Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 158 referring to the edition of G. Giulini, *Memorie spettanti alla storia, al governo ed alla descrizione della città e campagna di Milano ne' secoli bassi*, vii (Milan, 1857), 155; a new edition of the two documents is given here in the Appendix.

⁵⁴ *Diligentiam p̄i patris* (Andrews, *The Early Humiliati*, 259 no. 19), it is worth noting the invitation to follow the norm conceded by Innocent III: 'Vos ergo, dilecti in Domino filii, vivendi formam quam supradictus predecessor noster diligenter examinare, prudenter corrigere ac salubriter approbare curavit, de corde puro et conscientia bona et fide non ficta servetis' (Milan, Biblioteca Nazionale Braidense, AD XVI 1, n. 7).

⁵⁵ Andrews, *The Early Humiliati*, 260–263 nos 22–35.

⁵⁶ The initiative of the brothers of the Brera is recorded in both documents, see Appendix 1: 'Ex parte vestra fuit nuper humiliter supplicatum', and Appendix 2: 'Nuper vero quidam fratres domus vestre ad nostram presentiam accedentes'.

July 1226 these cities had been banned by the Emperor, and Honorius III had offered his services as arbiter in negotiating peace between them and Frederick II.⁵⁷ At the end of November, the rectors of the League nominated the representatives who were to meet with the Papal Curia to conclude negotiations. Among those chosen, three were Milanese: Boccassio Brema, Mudalbergus Iudex and Guido Mainerio.⁵⁸ If we bear in mind that Honorius III delivered his sentence on 5 January 1227, we have an important confirmation of the simultaneous presence in Rome of the Humiliati of the Brera and the Milanese ambassadors: an interesting clue to the involvement of these religious in the politics of the Commune and in the League in general.

Nor should we underestimate an important factor which may easily have convinced the Milanese ambassadors that they should be accompanied by religious from the Brera. In 1209 brother Otto *de Casteliono* was minister of the *domus*.⁵⁹ Otto must have been well regarded in the Brera since in 1230 he flanked the minister Pagano in the stipulating of an important act, and was minister again in 1235.⁶⁰ We cannot exclude the possibility that Otto's authority was linked to his kinship with *magister* Goffredo Castiglioni, who, after a period spent studying in Paris, was Chancellor of the Milanese Church at least from 1223 to 1226, was created Cardinal priest of S. Marco by Gregory IX on 18 September 1227, promoted to Cardinal bishop of Sabina and finally succeeded Gregory IX to the papacy for just seventeen days (25 October–10 November 1241) with the name

⁵⁷ R. Hermes, 'Totius libertatis patrona'. *Die Kommune Mailand in Reich und Region während der ersten Hälfte des 13. Jahrhunderts*, Europäische Hochschulschriften, Reihe 3/858 (Frankfurt am Main, 1999), 72–77; G. Andenna, 'Tra Nord e Sud: Federico II e le città', in *Federico II "Puer Apuliae"*. *Storia, arte, cultura*, ed. H. Houben and O. Limone (Galatina, 2001), 7–26.

⁵⁸ *Gli atti del Comune di Milano nel secolo XIII*, i, 1217–1250, ed. M.F. Baroni (Milan, 1976), 251–52.

⁵⁹ Zanon, *Gli Umiliati*, 274; Andrews, *The Early Humiliati*, 79.

⁶⁰ M.P. Alberzoni, "Sub eadem clausura sequestrati". Uomini e donne nelle prime comunità umiliate lombarde', *Quaderni di storia religiosa* 1 (1994), 82–83; the Castiglioni are called *capitanei*, i.e. vassals of the archbishops in a document of 1173, see A. Ambrosioni, *Le pergamene della canonica di S. Ambrogio nel secolo XII* (Milan, 1974), 257–259; H. Keller, *Adelsherrschaft und städtische Gesellschaft in Oberitalien (9. bis 12. Jahrhundert)*, Bibliothek des Deutschen Historischen Instituts in Rom, 52 (Tübingen, 1979), 403; P. Grillo, *Milano in età comunale (1183–1276)*. *Istituzioni, società, economia* (Spoleto, 2001), 135–36, 279–82, 299–301; E. Occhipinti, 'I "capitanei" a Milano', in *La vassallità maggiore del Regno Italico. I "capitanei" nei secoli XI–XII*, ed. A. Castagnetti (Rome, 2001), 25–34.

Celestine IV.⁶¹ In addition, between February 1228 and September 1229, Goffredo Castiglioni undertook a legation in Lombardy with the aim of consolidating relations between the papacy and the League against Frederick and of obtaining military support for an attack on the southern Italian kingdom, while the Emperor was in the Holy Land. In the course of this mission, Goffredo proved to be supportive of the Humiliati, issuing various privileges.⁶² The Castiglioni family contained other notable ecclesiastical members and was well represented in the Milanese Church: Alberto, a papal sub-deacon, provost of Castel Seprio and chaplain to Innocent IV, and Passaguado, who was chaplain to Goffredo, later a canon of Monza, and a further two nephews by the name of Guido who were also canons in the church of Abbiate Guazzone—all locations to be found north of Milan.⁶³

The solid position of the family in Milanese ecclesiastical institutions corresponded to a similar development in the political field: in May–June 1233 Enrico Castiglioni, selected perhaps for his juridical training, was among the representatives of the League summoned to Rome by Gregory IX to discuss certain points in the papal arbitration of the dispute between Frederick II and the rebel communes.⁶⁴

In addition to Otto *de Castelliono*, the house at Brera housed at least one other representative of the governing classes: Alberto di Porta Romana, who was minister in October 1227 and again in 1233.⁶⁵ At the same time Amizo di Porta Romana, probably Alberto's brother, was a canon of the cathedral where, in 1250 he was to become archdeacon.⁶⁶ It is therefore reasonable to suppose that it was Alberto

⁶¹ A. Paravicini Bagliani, *Cardinali di curia e 'familiae' cardinalizie dal 1227 al 1254*, Italia sacra. Studi e documenti di storia ecclesiastica, 18 (Padua, 1972), 32–40; Idem, 'Celestino IV', in *Enciclopedia dei papi*, ii (Rome, 2000), 380–384.

⁶² As well as the two documents for the Humiliati of Pavia mentioned above, note 52, Goffredo confirmed an archiepiscopal diploma in favour of the Brera in January 1229 (Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 170–171; Andrews, *The Early Humiliati*, 263–264 no. 36).

⁶³ Paravicini Bagliani, *Cardinali*, 32, 36 and 40.

⁶⁴ *Gli atti del Comune*, 439 (23 May 1233) and 441 (7 June 1233): 'Cum ita erit quod dominus papa vocasset Henricum de Castellionum et Mudalbergus iudicem civitatis Mediolani'. The importance of Enrico Castiglioni in Milanese political life is highlighted thanks to a new document, see A. Bartoli Langeli, 'Aggiunte al Codice Diplomatico di Perugia', *Bollettino della Deputazione di Storia Patria dell'Umbria*, 2003 (Forthcoming).

⁶⁵ Alberzoni, "Sub eadem clausura sequestrati", 82 and 110; E. Salvatori, 'I presunti "capitanei delle porte" di Milano e la vocazione cittadina di un ceto', in *La vassallità maggiore*, 35–94 (esp. 46–68 and biographical entry, 89); Alberto is also documented at the Brera in 1230 (Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 179).

⁶⁶ Salvatori, 'I presunti "capitanei"', 89–90.

di Porta Romana who in December 1226 sent various brothers to Honorius III to obtain fundamental clarifications concerning the observance of the rule.

Towards the end of 1226, then, the representatives of the Brera met with the Roman Curia; among them was perhaps the minister himself, always defined as rector by the papal chancery, although—as in *Licet multitudini credentium* and in the letter of approval of June 1201—his name is not recorded.⁶⁷ It is interesting to observe that the reason for this journey and for the related requests to the Apostolic See was the difficulties which had arisen in the application of the rule of Innocent III, *Omnis boni principium*. In the first of the documents to be issued, Honorius III allowed the rector of the Brera to dispense from both fasting and silence—observances which, when applied according to the letter of the rule, would have seriously obstructed the Order's working activities, both commercial and manufacturing, which were unusual in the monastic world.⁶⁸ In the second document, the rector of the Brera was permitted—or rather, ordered—to dispense the brothers from *quandam . . . formulam . . . a principio institutionis vestre, ut asserebant conceptam*, which the religious of that house had solemnly sworn to observe but which not only conflicted with the dictates of the rule of Innocent III but even appeared to be not entirely orthodox in substance.⁶⁹ Honorius III, considering such an observance to be owing more to ingenuousness than to malice, annulled the vows sworn by the religious and recommended observance of the approved rule. It is possible that the old *consuetudines* prohibited the swearing of oaths, whereas the letters of approval of the three Orders in 1201 envisaged it being permitted in certain cases. A refusal in such a case may have suggested a heretical position—but it is impossible here to go beyond conjecture.⁷⁰

⁶⁷ Alberzoni, 'Gli inizi degli Umiliati', 201–209.

⁶⁸ L. Paolini, 'Gli eretici e il lavoro: fra ideologia ed esistenzialità', in *Lavorare nel Medioevo. Rappresentazioni ed esempi dall'Italia dei secoli X–XVI*, Convegni del Centro di studi sulla spiritualità medievale, 21 (Todi, 1983), 150–160; Idem, 'Le Umiliate al lavoro. Appunti fra storiografia e storia', *Bullettino dell'Istituto storico italiano per il Medio Evo e Archivio muratoriano*, 97 (1991), 229–265; in May 1227 Gregory IX issued an analogous privilege for all Humiliati houses (Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 160–161; Andrews, *The Early Humiliati*, 261 no. 25).

⁶⁹ Appendix 2: 'que non solum in quibusdam prefati predecessoris nostri regule obviabat, sed etiam quiddam minus catholicum sapiebat'.

⁷⁰ The problem must have been ongoing: see Gregory IX's exemption of the Humiliati from superfluous oaths, Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 166–167, 182–183; Andrews, *The Early Humiliati*, 262 no. 31, 265 no. 41; M.T.

Finally, twenty-five years after the promulgation of the rule of Innocent III, the Brera confronted the problem of observance of the rule, perhaps in part because of the explicit recommendation in the letter of approval of the second Order, *Diligentiam p̄i patris*, of 12 June 1201.⁷¹ This may seem surprising, but it is still possible to proffer an explanation: until the 1220s, what shaped a community was not a rule, which was considered merely a vague indication of the characteristics of the religious body to which it referred. A religious community was in reality characterized and defined by its *consuetudines* and *institutiones*.⁷² The Brera house had continued to follow its own *consuetudines* (their *formula*) even after the approval of the rule by Innocent III, which, not having been solemnly approved, perhaps enjoyed only limited circulation and was not seen as a stringent normative text, but as some sort of general directive, like other rules. For corroboration of this attitude among religious communities, we need only think of the brothers and sisters in hospitals, which were in many cases nominally linked to the rule of St. Augustine.⁷³

Only developments in canon law affirmed the need to live in accordance with a well-defined rule which was generally accepted throughout the entirety of an organization. This would explain the long interval of 'deviance' at the Brera, and, later, the renewed interest in conforming to a normative code approved by the Papal See. Furthermore, following the Lateran Council of 1215, adherence to one of the approved rules had become unavoidable, and *Omnis boni principium* was the rule approved by the papacy for the second Order of the Humiliati.⁷⁴

Brolis, "Quibus fuit remissum sacramentum". Il rifiuto di giurare presso gli Umiliati', in *Sulle tracce*, 251–265.

⁷¹ Alberzoni, 'Die Humiliaten', 347; Honorius III renewed the approval, repeating the request that they observe the 'forma vivendi' approved by his predecessor, see above, text at note 54.

⁷² As well as the studies of Melville mentioned above, note 12, see the useful synthesis by J. Dubois, 'Institutio', in *Dizionario degli Istituti di perfezione*, iv (Rome, 1977), cols 1718–1732 and Idem, 'Ordo', *Ibid.*, vi (Rome, 1980), cols 806–820.

⁷³ Dal Pino, *I frati Servi*, 492–498; see now *Regula Sancti Augustini. Normative Grundlage differenter Verbände im Mittelalter*, ed. G. Melville and A. Müller, Publikationen der Akademie der Augustiner-Chorherren von Windesheim, 3 (Paring, 2002).

⁷⁴ The reference is to constitution 13, A. García y García, *Constitutiones Concilii quarti Lateranensis una cum commentariis Glossatorum*, Monumenta iuris canonici. Series A, Corpus Glossatorum, ii (Vatican City, 1981), 62; Maccarrone, 'Le costituzioni', 36–45.

On this subject it is worth mentioning the terminology found in the two papal documents of December 1226 published here in appendix. From these documents it is clear that neither the Humiliati nor the Pope were able to use unambiguous language. The first letter talks of the observance of a *vivendi regula*. The second employs a fuller range of terms: *vivendi norma*, *regula*, *canonica vivendi regula*. Here one might discern a contradiction, since *vivendi norma*, *vivendi regula* stem from terms such as *forma vivendi* or *formula vite*, which were employed successfully by the Roman Curia when dealing for example with the *pauperes moniales incluse*, the female Order created by Cardinal Ugolino, which from the mid-thirties was known as the Order of S. Damiano.⁷⁵ The adoption of a *forma vite* did, however, necessitate reference to a rule which had already been approved: in the case of the *pauperes moniales* or the Order of S. Damiano, this rule was that of Benedict. In the case of the Humiliati, however, the two expressions *formula*/rule were in some sense synonymous, having appeared contemporaneously in 1201. It is also possible that, as with the Brera *domus*, a community continued to observe its own *consuetudines* or *formule*, as the document states, referring to the rule only in general terms. It was perhaps the renewed awareness of the community, inspired by the higher level of legal education of some, if not all, of the brothers, which prompted a stricter adherence to the principles of canon law. The counsel of influential friends and patrons, such as Goffredo Castiglioni, chancellor of the Milanese church, *magister* and ultimately Cardinal, also pointed the Humiliati towards change in this direction.

The two documents which prompted these considerations show that in the third decade of the thirteenth century, the history of the Humiliati witnessed a clarification in legal matters and, in consequence, a shift towards the forms established by the Apostolic See. It was not until the pontificate of Gregory IX that conditions were settled authoritatively in such a way that all members of the Humiliati truly conformed to the legislation approved by Innocent III.⁷⁶

⁷⁵ M.P. Alberzoni, 'Papato e nuovi Ordini religiosi femminili', in *Il papato duecentesco*, 205–261.

⁷⁶ See the letter recorded above, note 50.

Appendix

1) Lateran, 13 December 1226

Honorius III allows the rector of the Brera to dispense the brothers of that house from fasting and silence.

Original: *Littera cum serico* (the red and yellow threads connecting the document to the bull are preserved, the bull is missing), the first line is in *littere elongate*, the name of the pope is in decorated capitals. Milan, Biblioteca Nazionale Braidense AD XVI I, no. 8 (A); 190mm 145mm; good condition.

On the dorse, (thirteenth-century hand): *privilegium directum fratribus Braide Guerçi de dispensatione ieiyuni et silentiū*; (another thirteenth-century hand) *Honorii dispensatio* (fifteenth-century hand on erasure) *sic(ut) prelatuſ Brayde possit dispensare silentium et ieiumum (. . .) hiis qui laborant*; two archival markings (thirteenth-fourteenth century) +*.j. xij*, (seventeenth-century) *G. H.*

Edition: Giulini, *Memorie*, 155 (G): only the most significant graphical variants are noted here; the transcription of *u* and *v*, which are not distinguished in the document follows modern usage; Potthast 7630, *Reg. Hon. III*, ii, no. 6098, Andrews, *The Early Humiliati*, 259, no. 20; Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 158.

Honorius episcopus servus servorum Dei. Dilectis filiis . . rectori, fratribus et sororibus^a de Braida Guerçi Ordinis Humiliatorum Mediolanensi^b salutem et apostolicam benedictionem.

Ex parte vestra nobis fuit nuper humiliter^c supplicatum ut, cum ex labore^d manuum vestrarum disposueritis vivere ac propter hoc iuxta vivendi regulam ab apostolica sede Ordini vestro traditam ieiunandi et silentium observandi rigorem tenere interdum absque incommoditate valida non possitis, super hiis^e dispensare vobiscum misericorditer dignemur. Nos igitur vestris precibus benignius annuentes, prudentie tue, fili^f rector et successorum tuorum dispensandi proinde super hiis^g tempore laborandi auctoritate presentium licentiam indulgemus.

Nulli ergo omnino^h hominum liceat hanc paginam nostre concessionis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptareⁱ presumpserit, indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum.

Doc. 1) ^aG: Fratribus ac Sorroribus; ^bG: Mediolani; ^cG: fuit humiliter; ^dG: cum laboribus; ^eG: super hoc; ^fG omette fili; ^gG: his; ^hG omette omnino; ⁱG: attentare.

Datum Laterani, idibus decembris, pontificatus nostri anno undecimo.

2) Lateran, 13 December 1226

Honorius III dispenses the brothers of the house of Brera from the observance of certain *consuetudines* peculiar to the house which contradict the rule given to the Order and even contain elements suggestive of heresy.

Original: *Littera cum serico* (the bull is still attached to the document by the red and yellow threads), the first line is in *littere elongate*, the name of the pope is in decorated capitals. Milan, Biblioteca Nazionale Braidense, AD XVI 1, no. 9 (A); 250mm 200mm; good condition.

On the dorse: (thirteenth-century hand) *Hon(orii) preceptum observandi reg(u)l(am)*; (another thirteenth-century hand) *preceptum domini p(a)p(e) Honorii domui factum de regula observanda*; (fifteenth-century hand) *sic(ut) fratres Brayde debent observare regulam per Innocentium .iij. toto Ordini datam. Hoc privilegium datum fuit anno m cc xxvj*; two archival markings: (thirteenth-fourteenth-century) *G .iij.*, (seventeenth-century) *B. H.*

Edition: Giuliani, *Memorie*, 155 (G); only the most significant variants are noted here; the transcription of *u* and *v*, which are not distinguished in the document, is in accordance with modern usage: Potthast 7630, *Reg Hon. III*, ii, no. 6098, Andrews, *The Early Humiliati*, 259–260 no. 21; Tiraboschi, *Vetera Humiliatorum monumenta*, ii, 158.

Honorius episcopus servus servorum Dei. Dilectis filiis . . . rectori, fratribus et sororibus de Braida Guerçi Ordinis Humiliatorum Mediolanensi,^a salutem et apostolicam benedictionem.

Cum ab exordio vestri Ordinis quidam ex vestris fratribus diversas observantias variasque vivendi formulas sibi minus provide prescripsissent, felicitis memorie Innocentius papa predecessor noster, velut pastor providus volens ab Ordine vestro errata corrigere, resecare superflua, distorta dirigere, confovere honesta, et ad unam vivendi normam per providentiam sedis apostolice fratres omnes vestri Ordinis revocare, institutiones vestras fecit examinari prudenter et tandem regulam, quam ipse correxerat, vobis et aliis Ordinis vestri fratribus tradidit inviolabiliter observandam. Nuper vero quidam fratres domus vestre ad nostram presentiam accedentes, quandam nobis ex parte vestra formulam presentarunt a principio institutionis domus vestre, ut asserebant, conceptam, ad cuius observantiam vos ex voto astruebant

astrictos, que non solum in quibusdam prefati predecessoris nostri regule obviabat, sed etiam quiddam minus catholicum sapiebat.

Licet autem de transgressione mandati apostolici non solum argui, sed etiam iuste puniri possitis, quia tamen ex simplicitate potius quam ex faustuose presumptionis malitia credimini deliquisse, animadversionis rigorem in clementiam convertentes, hac vice abstinemus a pena^b et in spiritu mansuetudinis vos tractamus. Quapropter per apostolica vobis scripta mandamus et districte precipimus, quatinus^c canonicam vivendi regulam a^d memorato nostro predecessore Ordini vestro traditam inviolabiliter observantes, abiciatis omnino suprascriptam formulam, cui vos temerarie astrinxistis,^e a cuius observantia vos auctoritate apostolica duximus absolvendos, cum non licuerit vos voto alicui contra mandatum apostolicum obligare.

Datum Laterani idibus decembris, pontificatus nostri anno undecimo.

Doc. 2) ^aG: Mediolani; ^bG: poenis; ^cG: quatenus; ^dG: ab; ^eG: temerario obstrinxistis.

GUARIENTO'S CRUCIFIX FOR MARIA BOVOLINI IN SAN FRANCESCO, BASSANO: WOMEN AND FRANCISCAN ART IN ITALY DURING THE LATER MIDDLE AGES

Louise Bourdua

The artistic patronage of the Franciscan Order has received an increased amount of attention in recent years and studies of the artistic production in Clarissan houses and of images of members of the Franciscan Third Order (such as Margaret of Cortona) have opened new channels of interest.¹ Outside the Order attention is now being paid to female secular patrons including the types of works they commissioned and whether these differ according to their patrons' gender, motivations, social class, financial means, and relationship with other women and men.² Yet, despite these efforts, there is little material available on non-religious female patrons of the First Order, the community of friars. As a result of better documentation any references to patrons are almost invariably those of popes, cardinals, bishops, bankers, and other male citizens. In anticipation of a wider survey, this essay focuses on Maria Bovolini, a prominent fourteenth-century patron of the Order little discussed until now, and places her extant commission, the monumental crucifix for San Francesco in Bassano, in its full context, including that of its possible audience (Figs 1 and 2). Maria's will, dated 7 October 1332, is also published in full (Appendix 1).³

¹ J. Wood, *Women, Art and Spirituality: the Poor Clares of Early Modern Italy* (Cambridge, 1997); R. Rusconi, 'The Spread of Women's Franciscanism in the Thirteenth Century', *Greyfriars Review*, 12 (1998), 35–75; J. Cannon and A. Vauchez, *Margherita of Cortona and the Lorenzetti: Siennese art and the cult of a holy woman in medieval Tuscany* (University Park, PA., 1999); L. Bourdua, *The Franciscans and Art Patronage in Late Medieval Italy* (Cambridge, 2004).

² See most recently *Beyond Isabella: secular women patrons of art in Renaissance Italy*, ed. S.E. Reiss and D.G. Wilkins, Sixteenth Century Essays & Studies vol. 54 (Kirkville, MO., 2001), and in particular its introduction.

³ Archivio di Stato Bassano, Corporazioni Religiosi Soppressi, S. Francesco, b. 115, perg. 12; summary in *Archivio Sartori: documenti di storia e arte Franciscana, II, La Provincia del Santo dei Frati Minori Conventuali*, ed. G. Luisetto, 2 vols (Padua, 1986), ii, no. 9, 181.

Before embarking on Maria's role in the first half of the fourteenth century, it is worth considering the initial forms of female artistic sponsorship of the First Order to establish whether any patterns emerge. The early sources regarding the life of the founding saint, Francis of Assisi, record Jacopa dei Settesoli, perhaps the earliest known female patron of the Order. She was an historical figure, one of the noblest and richest widows of Rome in the early thirteenth century.⁴ Francis was in contact with her at least twice. According to Bonaventure (1260–63), as he was leaving Rome, he gave her a lamb which he had previously kept, and to which her devotion was great.⁵ According to sources written in the 1240s–50s, Francis made contact with her again on his deathbed in 1226, this time by letter to announce his forthcoming death, and asked that she should come at once if she wished to see him alive. He also asked her to bring some items for his burial. Through miraculous intervention, Jacopa arrived with the desired goods before the letter had even been sent: she brought ash-coloured cloth to make a shroud, wax candles, a cloth for his face (*sindone*), a cushion for the head and some almond and honey cake of the kind she had given him when he was sick in Rome.⁶ Two other versions of the story relate that the cloth was transformed into the habit with which Francis was dressed for his burial.⁷ Thus, seen in patronage terms, Jacopa's actions reflect practices recorded in Franciscan houses: lay gifts of candles or wax, pittance, habits or cloths, including those destined for a saint's tomb.⁸

⁴ On her family, see *Francis of Assisi: Early Documents*, ed. R.J. Armstrong, J.A. Wayne Hellman, and W.J. Short, 3 vols (New York, 2000), ii, 122 b.

⁵ 'The Major Legend of Saint Francis (1260–1263)', 8:7, in *Ibid.*, ii, 591–92.

⁶ Jacopa came with her son and a group of persons or soldiers on horseback. Thomas of Celano dedicates an entire chapter to this episode in 'The Treatise on the Miracles of Saint Francis by Thomas of Celano (1250–1252)', 6:17, in *Ibid.*, ii, 417–19.

⁷ 'The Assisi Compilation (1244–1260)', 8, in *Ibid.*, ii, 121–22; 'The Beginning of a Mirror of Perfection of the Status of a Lesser Brother (The Sabatier Edition)' (1318), 112, in *Ibid.*, iii, 360–61; C. Frugoni, *Francesco e l'invenzione delle stimmate* (Turin, 1993), 65–6, and 268, n. 110, where she suggests that this may be the extant example in Assisi. By the early fourteenth century, the cloth had become a hair shirt in 'The Deeds of Blessed Francis and His Companions (1328–37)', 18, *Francis of Assisi: Early Documents*, iii, 471–74.

⁸ One example of a lay gift to a saint's tomb is that of Francesco Salgheri for St Antony's tomb in Padua in 1350, *Archivio Sartori: documenti di storia e arte Francescana, I, Basilica e Convento del Santo*, ed. G. Luisetto (Padua, 1983), 46, n. 573; see also Bourdua, *The Franciscans and Art Patronage*, c. 1; M. Apolloni, 'Testamenti a favore dei frati minori di S. Lorenzo a Vicenza tra 1280 e 1348', *Il Santo* 30 (1990),

Two further details of Jacopa's tale are noteworthy. While on his deathbed, Francis apparently broke his own rule not to allow women into the enclosed space of the male convent.⁹ Moreover, Jacopa was one of the rare witnesses of Francis' stigmata, the wounds of Jesus Christ, which she recognised on his body after death.¹⁰ These accounts show that Celano (and Bonaventure) thought a wealthy, prominent woman was an appropriate companion and patron of Francis. Interestingly, however, Jacopa dei Settesoli is never depicted in images of the death and funeral scenes of St Francis. One of the earliest images depicting his death, the Bardi panel dated c. 1240s (Santa Croce, Florence), does feature two women next to his corpse but they are both disabled and are there as a compositional counterpoint to two similar males all in search of a cure.¹¹ As for the Pistoia panel (Museo Civico), dating to the middle of the thirteenth century,¹² religious men alone surround the deceased.¹³ The later frescoes depicting Francis' death and funeral in the upper church of San Francesco in Assisi, dating from the 1290s, show friars witnessing his death, discovering the stigmata and its verification by a doubting layman. The absence of women is explained in the first scene by the moment depicted, that of his death and the apparition of his soul borne aloft to heaven to the friars. The second scene, in which a knight places his hand inside the chest wound, could have included women since the sources state that 'the people of Assisi hurried to the place to see with their own eyes'.¹⁴ Yet, the decision made by the painter or

181–237. Jacopa may have been buried in the lower church of St Francis in Assisi. See *Francis of Assisi: Early Documents*, iii, 474a.

⁹ 'The Assisi Compilation', 8, in *Ibid.*, ii, 122.

¹⁰ Thomas of Celano obtained this testimony from Jacopa's son, brother Giovanni Frigia Pennate, who as a boy had accompanied his mother. 'The Treatise on the Miracles of Saint Francis', c. 6, *Francis of Assisi: Early Documents*, ii, 419; cited in Frugoni, *Francesco e l'invenzione delle stimmate*, 66 and 94, n. 82, who thinks Celano replaced Elias' role with that of Jacopa because Elias had been disgraced. She notes that Celano uses the language of Elias' famous letter of 1226 for his tale of Jacopa and the stigmata.

¹¹ The remaining participants are all Franciscans. For the most plausible date, see Frugoni, *Francesco e l'invenzione delle stimmate*, 357–98.

¹² K. Krüger, *Der frühe Bildkult des Franziskus in Italien. Gestalt- und Funktionswandel des Tafelbildes im 13. und 14. Jahrhundert* (Berlin, 1992), 198–99, catalogue 4.

¹³ More people in search of a cure, one of whom may be a woman, surround the body of Francis in a scene on the high altar polyptych of Ottana cathedral, *Ibid.*, 209–10, catalogue 15.

¹⁴ 'The Major Legend of Saint Francis', 15:5, in *Francis of Assisi: Early Documents*, ii, 647.

patrons to locate the body in the chancel of the church, an area off-limits to women, mitigated against their presence.¹⁵ Only one woman, Clare, is allowed to make intimate contact with Francis, albeit in an outdoor scene which again contradicts the written sources.¹⁶ She is depicted embracing the body of Francis. Although she is breaking her *clausura*, this may have been chosen to allow a visual comparison with depictions of Mary Magdalen who performs a similar act as she embraces the base of Jesus' cross.¹⁷

Thomas of Celano further reports that a noblewoman (who may have been Jacopa dei Settesoli) owned a painting of Francis which she had commissioned and kept in her secret room, a common space in the houses of Roman women used for prayer. This image, we are told, performed two miracles: the first was the sudden appearance of the saint's stigmata on the panel after Jacopa felt pain at the discovery of this crucial omission by the painter. The second was when they vanished in response to the noble woman's initial doubts upon seeing them appear.¹⁸ In the seventeenth century, Wadding identified this image with that still extant in the Roman church of San Francesco a Ripa, attributed to Margaritone of Arezzo or his workshop.¹⁹ There is, however, little evidence to sustain such a positive identification.

Although this tale of a miraculous painting fits into a tradition of stories designed to convince detractors of Francis' unique status as *alter christus*,²⁰ it offers us an early and rare glimpse of female sponsorship: a painted image designed to be hung in a wealthy woman's

¹⁵ In an earlier scene depicting the re-enactment of the Nativity story by Francis at Greccio, one can see women standing at the threshold of the rood screen, while the men are gathered in the chancel.

¹⁶ Thomas of Celano records that the body of Francis was laid out in the church of San Damiano while Bonaventure only notes that the cortège 'stopped for awhile so that those holy nuns could see and kiss his sacred body'. 'The Life of Saint Francis by Thomas of Celano (1228–1229)', 10:116, in *Francis of Assisi: Early Documents*, i, 285–7; 'The Major Legend of Saint Francis', 15:5, in *Ibid.*, ii, 647.

¹⁷ On the Magdalen, see K.L. Jansen, *The Making of the Magdalen. Preaching and Popular Devotion in the Later Middle Ages* (Princeton, 2001).

¹⁸ 'The Treatise on the Miracles of Saint Francis', 2:8, in *Francis of Assisi: Early Documents*, ii, 405–6; the tale is repeated in Bonaventure, 'The Major Legend of Saint Francis: The Miracles', c. 1:4, in *Ibid.*, ii, 652; cited in Krüger, *Der frühe Bildkult des Franziskus in Italien*, 215.

¹⁹ *Annales Minorum*, ed. L. Wadding, 7 vols (Lyon, 1625), ii, 228. For a discussion and full bibliography see Krüger, *Der frühe Bildkult des Franziskus in Italien*, 215, catalogue no. 25.

²⁰ A. Vauchez, 'Les stigmates de saint François et leur détracteurs dans les derniers siècles du moyen âge', *Mélanges d'archéologie et d'histoire*, 80 (1968), 595–625.

private chambers.²¹ Moreover, it suggests an additional setting and function for single figure panels, many of which appear to be the result of serial production.²² Some eight survive from the workshop of Margaritone of Arezzo and another two are lost. Although the provenance of seven of these (including that of San Francesco a Ripa) is a Franciscan church, we need not think of them necessarily as church decoration. Some were domestic images for the well-to-do laity, men and women, which served as memorials of the saint and/or aids to prayer and meditation.²³

Celano's other miracle stories, whilst not as detailed, give an idea of the range of other gifts initially made by women to the friars, as well as their motives. We learn of another noble woman of Rome (this time anonymous) who gave the friars a liturgical vestment following the miraculous recovery of her guard from a fall;²⁴ and a countess who had survived a difficult, painful childbirth who, wishing to express her gratitude, had a church built for the friars in Slavonia.²⁵

Wealthy individuals and not just religious communities also acquired large painted crosses, such as that under study.²⁶ Many survive from the thirteenth century, featuring tiny supplicants at the foot of the cross. Among these are featured saints and *beati* including Francis, Dominic and the Magdalen and other unidentified Dominican, Franciscan and Carmelite friars.²⁷ The prototype may well have been the lost crucifix signed and dated Giunta Pisano 1236,²⁸ which had been ordered by Elias of Cortona, who led the Order from 1228–9

²¹ On a later account of a painting for a woman see L. Bourdua, 'Altichiero's *Anchona* for Margareta Lupi: a Context for a Lost Painting', *The Burlington Magazine*, 144 (2002), 291–93.

²² Krüger, *Der frühe Bildkult des Franziskus in Italien*, 211–15, at 211, catalogue numbers 16–25.

²³ On these *Vita* panels, see most recently J. Cannon, 'Beyond the Limitations of Visual Typology: Reconsidering the Function and Audience of Three Vita Panels of Women Saints c. 1300', in *Italian Panel Painting of the Duecento and Trecento*, ed. V.M. Schmidt, Studies in the History of Art, 61, Center for Advanced Study in the Visual Arts Symposium Papers XXXVIII, National Gallery of Art, Washington (New Haven and London, 2002), 291–313.

²⁴ 'The Treatise on the Miracles of Saint Francis', 8:49, in *Francis of Assisi: Early Documents*, ii, 424–25.

²⁵ 'The Treatise on the Miracles of Saint Francis', in *Ibid.*, ii, 439–40.

²⁶ On the cult of the crucifix, see Krüger, *Der frühe Bildkult des Franziskus in Italien*, 149–72; see also A. Derbes, *Picturing the Passion, Narrative Painting, Franciscan Ideologies, and the Levant* (Cambridge, 1996).

²⁷ See Jansen, *The Making of the Magdalen*, 22, 89–96.

²⁸ Krüger, *Der frühe Bildkult des Franziskus in Italien*, 158–61.

and in the 1230s but was later deposed as Minister General. By the fourteenth century, the practice of including kneeling figures on monumental painted crosses was well established. Among the innumerable extant examples is that featuring Maria Bovolini at the foot of a large lobed cross now housed in the civic museum of Bassano del Grappa (Fig. 1). Signed by Guariento d'Arpo, painter of Padua, it is a monumental work, measuring some 3,62 × 2,80 metres, executed in tempera on poplar, and includes three lobes on the extremities: the upper-most lobe represents God the Father blessing, that on the right John, with Mary on the left.²⁹

Unlike many of the crosses with a saint or *beato* at the foot, the diminutive figure of Maria occupying the bottom left corner makes no physical contact with the body of Jesus, or his cross (Fig. 2). Nor does any of the blood reach her, despite the fact that she kneels directly under its trajectory. Instead, it trickles down from the point of the nails and runs along Jesus' forearms with occasional drips, then falls vertically; it also gushes from his chest wound, and flows from the wounds of his feet along the cross and into the crevice of Golgotha, eventually creating a pool of blood in which lies the upper part of Adam's skull.³⁰ Maria seems detached from this whole drama, concentrated in prayer. We see her in profile, kneeling, and with hands joined. Her gaze is raised and fixed on the foot of the cross. A three-line inscription is clearly painted next to her, directly underneath Golgotha:

*Emulatrix Bona Maria Bwolinorum Helene Inve[n]trix Crucis et Clavor[um],
Sanxit et Hanc Ip[s]a[m] Pietate Bassanor[um] ut ore[n]t P[ro] Ea XPM[Christum]
D[o]M[inum] DO[mino]R[um].³¹*

Just above it and slightly to the right is a shield bearing the arms of the Bovolini, Maria's family on her father's side.

²⁹ See most recently E. Avagnina, 'La croce stazionale di Guariento del Museo di Bassano. Considerazione a margine del restauro', in *Attorno a Giusto de' Menabuoi: aggiornamenti e studi sulla pittura a Padova nel Trecento* (Treviso, 1998), 77–82; L. Magagnato and B. Passamani, ed., *Il Museo Civico di Bassano del Grappa: dipinti dal XIV al XX secolo* (Vicenza, 1978); F. Flores d'Arcais, *Guariento* (Venice, 1965).

³⁰ G. Schiller, *Iconography of Christian Art*, vol. 2 (London, 1972), 113.

³¹ This reading, which differs from D'Arcais and King, is based on my own observations. See Catherine E. King, *Renaissance Women Patrons: wives and widows in Italy c. 1300–1550* (Manchester, 1998), 178, n. 24: 'Emulatrix Bona Maria Bwolinorum Helen[a]e inventric[is] crucis et clavorum, sancxit hanc ipsa pietate Bassanorum ut orent pro ea Cristum Dominum nostrum'.

The image works on two levels. A modified version of Catherine King's translation of the problematic Latin of the inscription encapsulates a first meaning:

The good Maria de' Bovolini, imitator of Saint Helena who found the cross and the nails, dedicated this herself to the piety of the people of Bassano, that they might pray for her to Christ Lord of Lords.³²

The reference to St Helena in a painted cross appears to be unique in Italian art, but it made perfect sense to connect Maria Bovolini's gift of a painted crucifix to the discovery of the true cross by Constantine's mother.³³ Another reference, however, has eluded historians until now. Francesco Chiupani (d. 1742), chronicler and painter of Bassano, recorded documents since lost and noted that the name of the first Bovolini associated with a chapel at S. Francesco in 1310 was 'Elena'.³⁴ Although we do not know how the two women were related, Maria's imitation of 'Helena' takes on a personal, familial significance.

Until recently Guariento's cross had been dated on stylistic grounds as either an early or a late work.³⁵ Following the rediscovery of Maria Bovolini's will in the late 1980s, its date, 7 October 1332, has been casually used as a *terminus post quem*. In addition, art historians have asserted that the testament refers specifically to the commissioning of the cross.³⁶ However, as is clear from careful reading of the original

³² King, *Renaissance Women Patrons*, 143.

³³ A rectangular panel by Simone dei Crocefissi (active 1355–99) in the museo civico in Bologna depicts St Helen holding a cross accompanied by a smaller female donor. See G. Kaftal, *Iconography of the Saints in the Painting of North East Italy* (Florence, 1978), 397–98, fig. 494.

³⁴ *Croniche di Bassano da P. Francesco Chiupani Bassanese scritte*, 2 vols (handwritten manuscript, no date, Biblioteca di Bassano, no. 1012), ii, fo. 4r.

³⁵ See Avagnina, 'La croce stazionale di Guariento', 77 for a summary of the dating issues.

³⁶ F. Flores D'Arcais, 'Guariento', in *La pittura nel Veneto: il trecento*, ed. M. Lucco, 2 vols (Milan, 1992), ii, 527–28, 527; Avagnina, 'La croce stazionale di Guariento', 77; A. de Marchi, 'Tavole veneziane, frescantì emiliani e miniatori bolognesi: rapporti figurativi tra Veneto ed Emilia in età gotica', in *La pittura emiliana nel Veneto*, ed. S. Marinelli and A. Mazza (Modena, 1999), 3–44, 17; *Mille anni di storia. Bassano 998–1998*, ed. R. Del Sal, M. Guderzo (Cittadella, 1999), 65, no. 8.1. This misunderstanding appears to have been the result of hearsay evidence communicated to the art historical community by Franco Signori who had located the will in the archive. Despite citing it most recently in 1998, he has never published it. F. Signori, *Toponomastica Storica Bassanese: cultura e storia di Bassano e del suo territorio sulla scorta dei mille nomi di vie, borghi, contrade, chiese, porte e piazze cittadine dalle origine ad oggi*, Quaderni bassanesi, Storia 3 (Bassano, 1998), 70.

parchment, there is no such reference. The will does confirm Catherine King's hunch that Maria was a widow.³⁷ Now lying gravely ill in bed, Maria wished to be buried in the tomb of her husband Grayli, son of Riprando the son of Jabonino, in the church of San Francesco in Bassano. Maria was the daughter of Giovanni de Bovolini, and came from a noble family;³⁸ she appears to have been of higher status than her husband, and this may well be one reason why only the Bovolini arms appear on the cross.³⁹ That the testatrix could afford a monumental painted cross is not at issue since she owned a house in the heart of Bassano in the *contrada* Bladi and land (including a vineyard, arable land, and land with trees) in the *contrade* of S. Vito, Capovilla, Valorie and Bovere. However, she did not ask her executors to commission any religious artefacts in 1332: she established masses for her soul in San Francesco, made modest bequests to two other religious institutions, provided for her daughter Caterina, who was still a minor, her nephew Çilio, and left clothing to her female friends and her nursemaid.⁴⁰ There remain therefore three possibilities: i) that the cross was ordered and executed before the will of 7 October 1332, thus necessitating no further statement in that document; ii) that it was a posthumous commission by her executors;⁴¹ iii) that Maria survived her bout of illness, ordered the cross and died at some later date.

³⁷ Although her observation that 'wives' patronage was so rare' in King, *Renaissance Women Patrons*, 140, is not borne out by contemporary evidence in the area; see for example, below note 39.

³⁸ Giovanni de' Bovolini was one of a number (incl. a 'Bovolino di Andolfo') who attacked the Biasi family (who had been traitors to Bassano just before the Scala victory, and been banished, and had helped Scala to attempt a coup) in October 1321. In 1305, he was one of seventy opponents of the decima; Ottone Brentari, *Storia di Bassano e del suo Territorio* (Bassano, 1884; reprinted Sala Bolognese, 1980), 216, 262.

³⁹ Unlike the later representation of the Buzzaccarini and Carrara arms on the polyptych of the Baptistery of Padua, believed to have been commissioned by Fina Buzzaccarini. See A.M. Spiazzi, *Giusto de' Menabuoi nel battistero di Padova* (Trieste, 1989); B.G. Kohl, 'Fina da Carrara née Buzzaccarini: consort, mother and patron of art in trecento Padua', in *Beyond Isabella*, 19–35.

⁴⁰ Maria gives her cloak (*mantelum*) of brown *saia* to Gibertina the widow of Benedetto di Santa Croce; her skirt (*gonelam*) of brown *saia* to Belaldisa the wife of the notary Martino de Piscatoribus; money and a red garment (of unknown type as it is illegible) to Baxana, daughter of the latter two; and her *epitogium* of brown *saia* lined with *vulpe* to Maria her nurse (*bayle*).

⁴¹ There were no Franciscan friars among this group, but there was one religious woman, sister Baxana daughter of Antonij de Pramaleço, who was the abbess of San Giovanni Battista, and a Bovolino, the son of Guidonis, who was a relative

Although no later account of our Maria have been traced, the archives reveal a further complication; the presence of a second Maria Bovolini. We know far less about her. On 10 February 1331, she is recorded as the daughter of 'the late Buvolini', giving land to Donato the son of 'the late Michele Albertinelli'. In 1339 she made another disposition and appears again as the daughter of the late Bovolini de Bovolinis; finally, in 1346 we read that she was the widow of Clarello de Blaxio, a member of another prominent Bassano family.⁴² Thus we can be sure that we are dealing with a different woman, but one equally entitled to be the diminutive donor at the foot of Guariento's cross. Indeed one could conjecture that the lack of allusion to a spouse's arms in the painting suggests the gift of an, as yet, unmarried woman. Elena/Helena may have been a relative of either of them.

The certainties surrounding this artistic commission therefore begin to fade. We know that the church of San Francesco was consecrated in 1331,⁴³ and it may be tempting to use this date as a further link in a chain that supports the earlier stylistic dating. Although the new mystery of the two Marias cannot be resolved at this time, we should conclude by noting that there is every likelihood that the painted cross was originally destined for the church of San Francesco. It stood there until 1714.⁴⁴ Moreover, a chapel was endowed by an Elena Bovolini in the early fourteenth century, and the tomb of the first Maria's husband (Grayli) was in the church (and she requested to be buried with him). Other Bovolini family members (Bovolino, who is likely to be the father of our second Maria) were also interred there.⁴⁵

of Maria. Her only daughter, Catarina, was made her universal heir, and was to be cared for by Bovolino until she reached the age of fourteen.

⁴² Archivio di Stato Bassano, Coporazioni Religiosi Soppressi, S. Francesco, b. 115, perg. 85, 96, 97, 98.

⁴³ Lugo Zerbino, *Chiese di Bassano ò siano istrumenti, carte pubbliche, e private delle quali si vede, e ci riceve il principio di quelle; di più istorie, e raconti, dalle quali cose tutto, si vede l'origine delle chiese di Bassano. Ricavate dalla Raccolta del Sig. Zervino Lugo dal libro intitolato Chiese di Bassano per uso di me P. Francesco Chiupani* (handwritten manuscript, no date, Biblioteca di Bassano, no. 933), 74, 78–9. Chiupani adds that the friars built their choir in 1334. *Historia Bassanese di P. Franceso Chiupani divisa in dodici libri, nella quale, spiegandosi le cose notabili fino a' questo tempo nel Bassanese occorse, si trata insieme de' maggior successi d'Italia*, 2 vols (handwritten manuscript, 1734 Biblioteca di Bassano, no. 1010), vol. 1, fo. 56r–v.

⁴⁴ *Ibid.*, fo. 56r.

⁴⁵ G. Verci, *Notizie intorno alla vita e alle opere de' pittori scultori e intagliatori della città*

In conclusion it is worth noting that in a few instances our two case studies fit the broad generalisations about female patrons' activities observed by David Wilkins.⁴⁶ Wilkins first notes that women often pursue a tradition inspired by an earlier or near contemporary woman who commissioned art. Maria Bovolini, clearly does both though not necessarily because her predecessors ordered artistic objects. She emulates both St Helena, the mother of Constantine who commissioned the search for Jesus' cross and Elena Bovolini, her kinswoman who had founded the chapel. Maria's motivation is commemorative, both of herself and of her paternal family line. If indeed Maria the widow of Grayli was the patron of Guariento's cross, her commission might be seen in the context of decorating the family burial chapel, a responsibility which, as Wilkins noted, often fell to the widow.⁴⁷ Looking beyond artistic considerations, the bequests of our testatrix of 1332 reveal her preoccupations with religion and social welfare (providing dowries, beds, clothing, etc.), and demonstrate a special concern for the plight of other women.

di Bassano (Venice, 1775), 17. On 26 March 1378, Dionora, daughter of Guidone Bovolini, asked to be buried in the tomb of her brother Bovolino. Viviana, daughter of Bovolino, requested burial in her father's tomb on 5 February 1386, *Archivio Sartori: documenti di Storia e Arte Franciscana*, II, ii, 181, nos. 18, 22.

⁴⁶ David G. Wilkins, 'Introduction: recognizing new patrons, posing new questions', in *Beyond Isabella*, 1–17, at 2–4.

⁴⁷ *Ibid.*

Appendix

7 October 1332, Bassano.

Will of Maria, daughter of Giovanni de Bovolini

Bassano, Archivio di Stato, Corporazione Religiose Soppresses, San Francesco, b. 115, perg. 93.

Original; a seventeenth-century? modern hand, has inserted marginal notes highlighting sums owed. The right-hand side and last lines of the text are severely abraded.

Anno domini millesimo trecentesimo trigessimio secundo. Indicione quintadecima die septesimo octubre in Baxano in domo habit(acio-nis) d(ominorum) Laurancij et Antonij filiorum condam domini Benedicti de Sancta Cruce presentibus domino fratre Federico condam domini Benedicti de Padua de ordine fratrum minorum, fratre Francis[co] filio domini Johannis de Montesilice de ordinis fratrum minorum, domine Catarine condam [++++] viuantis sartoris, Johane condam domini Bartolamei Mauri, Sigo[?]fredo condam Donatoli, Guillelm[i] condam Cabrielis Scabioti, Antonio condam domini Benedicti de Sancta Cruce, Martino notario condam domini Tomasini de Piscatoribus. Et aliis. Ibiq[ue] domina Maria filia condam domini Johannis de Buolino uxor condam Grayli filii ser Riprandi condam domini Jacobini, jacens in lecto graui jnfirmitate depressa set tamen sane mentis et bone memorie et disposicionis existens [et] nolens ab intestato decedere namque per nuncupationem sic suum condidit testamentum et sua bona disposuit et michi not(ario) infrascripto sic scribere jussit. Inprimis namque sepulturam sui corporis eligit aput ecclesiam sancti Francisci ordinis fratrum minorum de Baxano aput sepulturam Grayli condam eius viri. Item reliquid et Judicauit ac dari jussit de suis bonis quinque solidi paruorum pro quolibet presbitero qui interfuerit eius sepulture. Item reliquid et dari jussit decem solidi denariorum paruorum pro qualibet heremita de baxano et de angarano pro orat(ionibus) dicendis pro eius anima. Item reliquid et judicauit decem lib(ras) denariorum paruorum conuentui loci sancti Johannis Batiste dominarum de Baxano intuitu pietatis pro eius anima. Item voluit, statuit, ordinauit et mandauit quod soror Baxana filia condam Antonij de Pramaleço⁴⁸ abatisa dominarum loci sancti Johannis

⁴⁸ A place name as noted in Signori, *Toponomastica storica Bassanese*, 231.

Baptiste de Baxano exigit et exigere debeat semper omni anno unum afictum seu redditum decem lib(rarum) denariorum paruorum quos eidem testatrici anuatim liuelario jure respondere tenetur Dominicus Torengi de Margnano⁴⁹ pro una pecia terre cum uineis et terra aratoria vacua pratis et alliis arboribus que potest esse circa duos [c]ampos posita in pertinentia Baxano in contrata sancti Viti cui choeret a mane Dominicus predictus pro monasterio sancte Eufumie et partim via publica, a monte partim Andreas condam domini Guidoti et partim Jacobinus dictus Bindus, a meridie via publica et a sero partim Nicholaus Torengi et partim Stracinus Acelerii et forte alie sunt choerentie. Item exigit et exigere debeat semper omni anno Unum alium afictum seu redditum decem lib(rarum) denariorum paruorum et unum caponem⁵⁰ quem afictum eidem testatrici anuatim leuelario Jure respondere tenetur domina Palma condam Steueneli de Bo[n]çani⁵¹ et heredes Bonin[i] de Bançan[i] pro uno sedimine terre cum duabus domibus appall[tis?] quod potest esse circa duos campos terre posito in pertinentia Baxano in contrata Capitis Vile⁵² cui choeret a mane Andreas et Benincassa condam Italdi quod fuit de supra, a sero Benedictus Rubeus de Bonçani, a monte via publica, a meridie Antonie pro co communis Baxano et Martinus [A]lbrigheti Maçe.⁵³ Item de una alia pecia terre cum vinea terra vacua et pratis que potest esse circa unum campum terre posita in dictis pertinentie in contrata Ualorie cui choeret a mane Johanes domini Baldi, a sero Bachin[us] condam Viconçij de Capite uilla, a monte et a meridie via publica. Item de una alia petia terre cum postileis in terra aratoria q(ue) potest esse circa medium campum terre posita in dictis pertinent(iis) in contrata Bouere cui choeret a mane via publica, a sero Martinus Albrigheti Maçe, a monte partim dictus Martinus et partim Uiuian de Longis, a meridie Bonnius de Bonçan[i] pro Johane domini Baxani et forte alie sunt choerentie, quos domina ipsa soror Baxana dare disponere et distribuere debeat omni anno fratribus loci sancti Francisci ordinis minorum de Baxano pro missis celebrandis pro eius anima et pro alliis necessariis et oportunis conuentui dicti loci cum consilio et expressa voluntate Bouollinus fidei comissarii

⁴⁹ A Contra de Margnano is noted in Signori, *Toponomastica storica Bassanese*, 113.

⁵⁰ A castrated and fattened cock.

⁵¹ Contra dei Banzani, in Signori, *Toponomastica storica Bassanese*, 41, 70, 93.

⁵² Capovilla, as noted in Signori, *Toponomastica storica Bassanese*, 70.

⁵³ Presumably the Maggi family; Signori, *Toponomastica storica Bassanese*, 116.

infrascripto uel pro eius heredes, pro animabus dicte testatricis et eius patris domini Donati de Buuolin[i] condam eius patris et domini Bartolamei condam eius fratris. Item statuit condidit et mandauit quod per infrascriptum eius fideicomissarium ematur et emi debeat u[n]us alius afictus decem lib(rarum) denariorum paruorum, quem afictum simili modo et forma exigere debeat dicta soror Baxana abatissa dicti loci sancti Johannis et denarii dicti afictus dispensare tenetur [++b+] conuentui fratrum dicti loci cum consilio dicti fideicomissarii pro missis et orationibus et aliis operat(ionibus) fratribus dicti loci prout eidem sorori Baxane cum consilio dicti f[i]deicomissarii melius v[idebitur] conueniri, pro anima dicte testatricis et eius parentis predictorum. Item statuit voluit et mandauit post mortem dicte sororis Baxane, abatissa dicti loci sancti Johannis baptiste [++] predicti fuerit exigere debeat supradictus afictus et ipsos dare et disponere debeat omni anno fratribus dicti loci sancti Francisci pro animabus dicte testatricis et eius parentum ut superius [est] notatum. Item reliquid et iudicauit Çilio eius nepoti filio condam domini Bartolami de Buuolinis quinquaginta libras denariorum paruorum. Item reliquid et dari iussit decem lib(ras) denariorum paruorum et unum epitogium de rubeo Baxane filie Martini de Piscatoribus. Item reliquid et dari iussit decem lib(ras) denariorum paruorum Marie Pedisere ser Riprandi condam domini Jacobini. Item reliquid et dari iussit domine Gibertine eius amite uxor condam Benedicti de sancta Cruce unum eius mantelum de saia bruna ipsius testatricis. Item reliquid et dari iussit domine Belaldise uxor Martini de piscatoribus unam gonelam de saia bruna ipsius testatricis. Item reliquid et dare iussit unum eius epitogium de saia bruna infoderatum de uulpe Marie eius bayle. Item reliquid et iudicauit Catarine eius filie quadringentas lib(ras) denariorum paruorum. Item reliquid et iudicauit eidem Catarine unam domum soleratam cuperta decupis et aliis suis edificijs sup[+++] cum soç(i)ata? post ipsam domum posita in pertinent(ia) Baxano super contrata(m) Bladi et super contrata(m) T[orengi?] cui choeret a mane via Trauagii, a sero via bladi, a monte Carlafarius notarius de Verona a meridie (sic) Almengarda(?) uxor condam Johannis Solarij et forte alie sunt choerentie. Et ad predicta omnia et singula exequenda et execucioni mandanda Buuolinum filium condam⁵⁴ domini Guidonis suum [++] uoluit fidei commissarium qui attendere

⁵⁴ 'condam' added above the line.

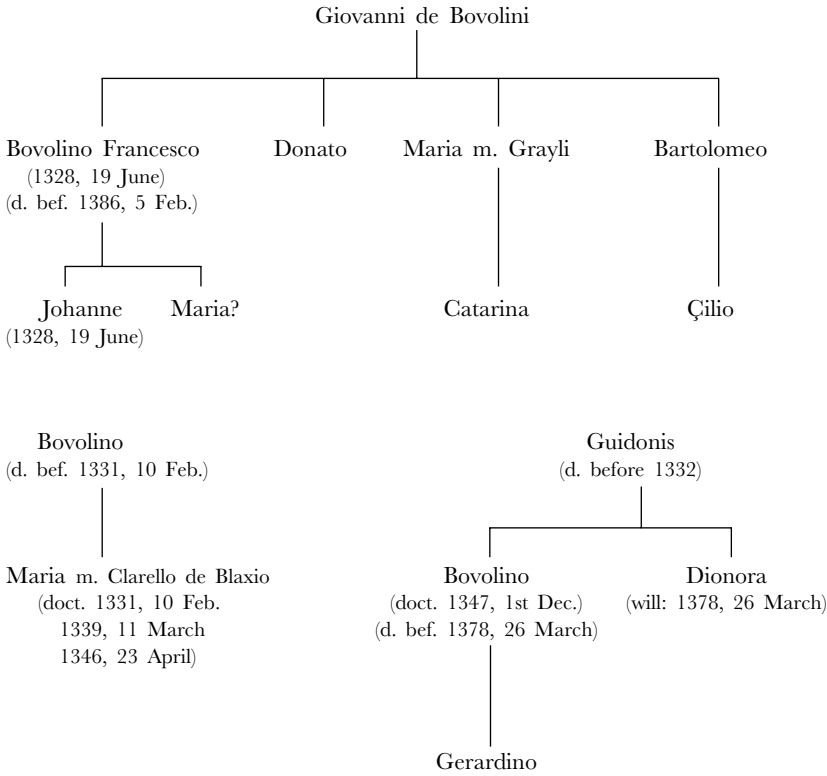
debeat omnia et singula suprascripta et infrascripta. Item ordinauit instituit et mandauit predictum Buuolinum tutorem esse predicte Catarine eius filie qui regere et gubernare debeat bona dicte pupile, liberans et absoluens(?) a confecione Inuentarij ita quod ipse Buuolinus non teneatur(?) inuentarium facere bon(or)um dicte pupile nec rat(ionem) redere set quidquid per eum factum et administratum fuit de bonis ipsius Catarine pupile plenam obtineat firmitatem. Et in omnibus aliis suis bonis mobilibus et immobilibus et ea[+] se monentibus et juribus Catarinam eius filiam legitimam et naturalem sibi uniuersalem heredem instituit si et cum peruenerit ad quatuordecim annos et si dicta Catarina moriretur in pupilari etate seu ante quam perueniat ad annos quatuordecim uel postea quandocumque sint legitimis filiis et naturalibus ex se legitimo matrimonio interueniente nascentibus ex[+++] in quolibet casuum predictorum eidem substituit et ex nunc instituit illos pauperes christi legitimos et mondanos quos suus comissarius duxerit eligendos et elegerit sibi +++ soles heredes prohibendo falcidiam et trebellianicam (sic) et quartam quamlibet de t[+] r[+] in quocumque casuum predictorum. Et hanc suam ultimam voluntatem asseruit esse uelle quam valere uoluit jure testamenti, quod si jure testamenti ualere non possit liceat jure codicili, quod si jure codicill' ualere non possit q(uod) . . . juris solemnibus ob . . . [domi]n[i] [Bo]uolini q[+++]ctui et teneat jure donat(ionis) ca(usa) mortis quod si iure predicto non ualeret uoluit(?) . . .⁵⁵ Vult[+] quod ualeat et teneat quocumque alio jure sue ultime uoluntatis quo . . .⁵⁶ p[otest?] melius tenere. Et dedit ipsa testatrix michi notario infrascripto plenam u(er)bu(m)[?] +++++ (Auctoritatem) licentiam [. . .]ne(n)di et scribendi. Jn hoc contractu quidquid eidem maioris⁵⁷ confirmare firmitatis consilio eiusdem +++ presentis et auocatis opus erit et de hoc publica sunt instrumenta scripta per me not(arium)

Ego Castellanus notarius domini Michaelis de 'Taxio' hiis omnibus interfui

⁵⁵ Text abraded.

⁵⁶ Text abraded.

⁵⁷ 'maioris' inserted at the bottom of the text above the notary's signature.



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PART FIVE
THE ITALIAN CITIES

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PEACEMAKING IN THE OLTRARNO, 1287–1297¹

Katherine L. Jansen

One of the most celebrated visual images of the medieval period is the allegorical figure of *Pax* found in Ambrogio Lorenzetti's mid-fourteenth-century fresco cycle which adorns the walls of the *Sala della Pace* in the Palazzo Pubblico in Siena. Here, *Pax*, holding an olive branch, reclines languorously upon a divan. From her central position on the north wall she gazes eastward at a depiction of the peaceful city and its countryside, traditionally thought to represent the desired effects of 'good government'. But *Pax*'s position of leisured repose is notably deceptive. Upon closer inspection a more sinister narrative is revealed: beneath the cushion upon which *Pax* so languidly reclines the arms of warfare are just barely concealed.² It is a powerful image, one that encapsulates neatly a terrible reality of later medieval Tuscan society: armed warfare, feud, vendetta, and

¹ Although this paper pursues no self-evident Boltonian themes, I would like to acknowledge Brenda Bolton as an inspiration to my own work. Her articles on Jacques de Vitry, Marie d'Oignies, the Humiliati, and Innocent III in no small way influenced me to pursue medieval history. For that I would like to offer this paper as a small tribute with deep thanks. I am also grateful to Villa I Tatti, the Harvard Center for Italian Renaissance Studies, for generous funding that enabled me to complete the archival research for this project. Finally, my thanks go to Trevor Dean and the editors of this volume for their critical readings of this essay.

² The frescoes have invited commentary from a fair share of distinguished scholars. Among them in recent decades, see Nicolai Rubinstein, 'Political Ideas in Siennese Art: the frescoes by Ambrogio Lorenzetti and Taddeo di Bartolo in the Palazzo Pubblico', *Journal of the Warburg and Courtauld Institutes*, 21 (1959), 179–207; Enzo Carli, 'La pace nella pittura senese', *La pace nel pensiero nella politica negli ideali del Trecento*, 13–16 ottobre 1974, Convegno del centro di studi sulla spiritualità medievale, 15 (Todi, 1975), 225–42; Quentin Skinner, 'The Artist as Political Philosopher', *Proceedings of the British Academy* 72 (1986), 1–56; Randolph Starn, 'The Republican Regime of the 'Room of Peace' in Siena, 1338–40', *Representations* 18 (1987), 1–33; Jack Greenstein, 'The Vision of Peace: meaning and representation in Ambrogio Lorenzetti's *Sala della Pace* Cityscapes', *Art History* 11 (1988), 492–510, R. Starn and Loren Partridge, *Arts of Power: three halls of state in Italy, 1300–1600* (Berkeley, 1992); idem, *Ambrogio Lorenzetti: the Palazzo Pubblico, Siena* (New York, 1994) and for the current state of scholarship, see Robert Gibbs, 'In Search of Ambrogio Lorenzetti's Allegory of Justice: changes to the frescoes in the Palazzo Pubblico', *Apollo*, 149 (1999), 11–16.

violence dominated the landscape and were never very far from disturbing the precariously established peace. Nonetheless, peace was envisioned as the very soil in which the Italian communes were to cultivate the burgeoning growth of new civic institutions. As such, moralists, jurists, and legislators set about creating an environment—to say nothing of legal provisions—to ensure it.³ Following the scent of a good story, recent scholarship has tended to pursue the well-documented trail of violence and civil disorder in the communal period, doubtless an important key to understanding the urban centers of northern and central Italy in the Middle Ages.⁴ But recounting narratives of feud, vendetta, and violence without recourse to the manifold efforts of peacemaking is a curiously myopic approach to understanding the period. Thus this paper intends to make a small start at redressing this historiographical imbalance by investigating

³ Among many authors, see Albertano da Brescia: *Liber consolationis et consilii*, ed. Thor Sundby (Copenhagen, 1873); Remigio de' Girolami (Gerolami): *De bono pacis*, in *La 'teologia politica comunale' di Remigio de' Girolami*, ed. Maria Consiglia De Matteis (Bologna, 1977), 53–72 and Paolo da Certaldo: *Libro di buoni costumi*, in *Mercanti Scrittori: ricordi nella Firenze tra medioevo e rinascimento*, ed. Vittore Branca (Milan, 1986), 3–99.

⁴ The literature on violence, feud, and vendetta in the medieval communes is vast. For some representative literature see Anna Maria Enriquez, 'La vendetta nella vita e nella legislazione fiorentina', *Archivio Storico Italiano* 19 (1933), 85–146 and 181–223; Max Gluckman, 'The Peace in the Feud', *Past and Present* 8 (1955), 1–14; Lauro Martines, *Violence and Civil Disorder in Italian Cities, 1200–1500* (Berkeley, 1972); William Bowsky, 'The Medieval Commune and Internal Violence: police power and public safety in Siena, 1287–1355', *American Historical Review* 73 (1973), 1–17; Jacques Heers, *Parties and political life in the medieval West*, trans. David Nicholas (Amsterdam, 1977); Guido Ruggiero, *Violence in Early Renaissance Venice* (New Brunswick, N.J., 1980); Andrea Zorzi, *Giustizia e società a Firenze in età comunale* (Naples, 1988); William Ian Miller, *Bloodtaking and Peacemaking: feud, society, and law in saga Iceland* (Chicago, 1990); Osvaldo Raggio, *Faide e parentele: lo stato genovese visto dalla Fontanabuona* (Turin, 1990); Daniel Waley, 'A Blood-Feud with a Happy Ending: Siena 1285–1304', in *City and Countryside in Late Medieval and Renaissance Italy: essays presented to Philip Jones*, ed. Trevor Dean and Chris Wickham (London, 1990), 45–53; Edward Muir, *Mad Blood Stirring: vendetta and factions in Friuli during the Renaissance* (Baltimore, 1993); Andrea Zorzi, 'Ius erat in armis: faide e conflitti tra pratiche sociali e pratiche di governo', in *Origini dello Stato: processi di formazione statale in Italia fra medioevo ed età moderna*, ed. Giorgio Chittolini, Anthony Molho and Pierangelo Schiera (Bologna, 1994), 609–29; *Crime, Society and the Law in Renaissance Italy*, ed. Trevor Dean and K.J.P. Lowe (Cambridge, 1994); Daniel Lord Smail, 'Common Violence: vengeance and inquisition in fourteenth-century Marseille', *Past and Present* 151 (1996), 28–59; Trevor Dean, 'Marriage and Mutilation: vendetta in late medieval Italy', *Past and Present* 157 (1997), 3–36; Andrea Zorzi, 'La cultura della vendetta nel conflitto politico in età comunale', in *Le storie e la memoria: in onore di Arnold Esch*, ed. Roberto Delle Donne and Andrea Zorzi, E-book, (Florence, Reti Medievali, 2002), Reading-1, <http://www.rm.unina.it/ebook/fesesch.html>, 135–70 [25.9.03].

one ‘extra-judicial’ remedy that aimed to ensure the peace in medieval Florence at the end of the thirteenth century.⁵ Studying private peacemaking does not mean, however, that we will leave the scholarship on civil disorder behind; on the contrary, the study of private peace charters deepens our knowledge of this subject as the notarial records also happen to provide partial glimpses into the violence that preceded the peace. In what follows, I will focus on a form of notarial document called the *instrumentum* or *charta pacis* and its use by one notary, Giovanni Cartepocchi, in one Florentine neighborhood—San Giorgio alla Costa—in the years between 1287–1297.⁶ I have chosen to focus on the neighborhood of San Giorgio not because it was in any way unusual but because it was probably typical in its approach to quelling violence and restoring peace through notarial intervention.

1. *Peacemaking*

Our views of medieval peacemaking have been conditioned by the spectacular and large-scale pacifications sponsored by the Church or the friars beginning in the thirteenth century. Both Augustine Thompson and Cynthia Polecritti have written with great flair about the theatrical preaching campaigns of the mendicant friars as they made their way across central and northern Italy preaching, reconciling enemies, and reforming town statutes.⁷ Papal emissaries often undertook similar missions of pacification. Brokered by Cardinal Latino Malabranca, at the bidding of Pope Nicholas III, the Florentine peace of 1280 between the Guelph and Ghibelline parties also seems to have been quite a spectacle. The *consulte* reported that on 18 January

⁵ This paper forecasts a small part of what will follow in my book, *Blessed are the Peacemakers: the politics of private peace in late medieval Italy* [in manuscript]. The term ‘extra-judicial’ is from Antonio Padoa Schioppa, ‘Delitto e pace privata nel pensiero dei legisti bolognesi. Brevi note’, *Studia Gratiana* 20 (1976), 271–87 at 273–75, who distinguishes between private peaces of a judicial nature and those of an ‘extra-judicial’ nature. The former are sworn before some type of judge, normally the podestà; the latter are documents that are purely contractual and are concluded before a notary.

⁶ Archivio di Stato, Florence (hereafter *ASF*), Notarile Antecosimiano (hereafter *Not. Ant.*) 4111. The register of Giovanni Cartepocchi contains the *imbreviature* of about 2150 notarial acts recorded in the ten-year period between 1287–1297.

⁷ Augustine Thompson, *Revival Preachers and Politics in Thirteenth-Century Italy: the great devotion of 1233* (Oxford, 1992) and Cynthia L. Polecritti, *Preaching Peace in Renaissance Italy: Bernardino of Siena and his audience* (Washington, D.C., 1999).

1280 in the piazza of Santa Maria Novella, Cardinal Latino, with seven mitred prelates in attendance (to say nothing of the presence of the podestà, the members of the Consiglio Generale dei Trecento and the members of the Novanta, the Twelve and Fourteen Good Men, and the *popolo* of Florence), presided over a ceremony wherein the syndics of each party came together to put an end to the internecine wars that had in recent years torn the commune apart. The provisions of the peace were read out, the sanctions agreed to, and the kiss of peace, a gesture of reconciliation, was exchanged between the party representatives to seal the ceremony.⁸

Such accounts, of course, are invaluable sources for understanding medieval ritual and ceremony on a high political level, but ultimately they give us a mistaken impression of the average experience of private peacemaking practices in the Middle Ages. By focusing on political parties, whose male members submitted themselves to reconciliation and peacemaking, and whose peace contracts were important enough to be solemnly celebrated by ecclesiastical dignitaries, the quotidian aspects of making peace are obscured if not lost altogether. As such it is the intent of this paper to show how peace charters were in fact a remedy of which people of all levels of society availed themselves and were used far more widely to put an end to workaday violence than to conclude vendetta or feud. Moreover, I will argue that men and women of all ages (not just men representing political factions) appeared before Florentine notaries to put an end to conflicts that had somehow degenerated into violence and bad blood between neighbors. Under legal pressure to do so parties contracting peace appeared before the communal notaries to restore and maintain the peace of their neighborhoods. Ultimately, this paper will show that most peacemaking was not a ceremonial event featuring local grandees—rather, it was an commonplace experience in which unexceptional people participated. Conducted by the local notary and witnessed by two neighbors, it was a practical remedy for dealing with neighborhood violence. As we shall see, peacemaking was mainly a local and private event for restoring community harmony. Working in concert with the judicial system, its great attraction was the ability to minimize both cost and risk.

⁸ I. Lori Sanfilippo, 'La pace del Cardinale Latino', *Bullettino dell'istituto storico italiano per il medio evo e Archivio Muratoriano* 89 (1980–81), 193–259.

2. *Instrumenta Pacis* or *Chartae Pacis*

Written peace contracts which adhered to recognized *formulae* first emerged in central and northern Italy in the mid-thirteenth century, but their origins possibly trace back to the *compositiones* of early medieval Germanic law and are thus tied intimately to the history of blood feud and vendetta.⁹ The increased production of these documents in the context of mid-duecento Italy is clearly related to the formation of the notarial profession in this same period. Not coincidentally, Rolandino Passeggeri (†1300), renowned master of the notarial arts at Bologna, included in his great *Summa*, published circa

⁹ Schioppa, 'Delitto e pace privata', at 271–72. Peace contracts also make their appearance in France, Germany, Spain, and England contemporaneously. Scholarly interest in them and indeed the subject of peace in medieval and renaissance Italy has recently begun to grow, see Gino Masi, ed. *Collectio chartarum pacis privatae mediæ ævi ad regionem Tusciae pertinentium* (Milan, 1943); John Bossy, ed. *Disputes and Settlements: law and human relations in the West* (Cambridge, 1983); Luciano Martone, *Arbiter-Arbitrator: forme di giustizia privata nell'età del diritto comune* (Naples, 1984); Thomas Kuehn, 'Dispute Processing in the Renaissance', in *Law, Family, and Women: towards a legal anthropology of renaissance Italy* (Chicago, 1991); Klaus Schreiner, 'Gerechtigkeit und Frieden haben sich geküßt' (Ps. 84, 11): Friedensstiftung durch symbolisches Handeln', in *Träger und Instrumentarien des Friedens im hohen und späten Mittelalter*, ed. Johannes Fried, *Vorträge und Forschungen* 43 (Sigmaringen, 1996), 37–86; Ulrich Meier, 'Pax et tranquillitas: Friedensidee, Friedenswahrung und Staatsbildung im spätmittelalterlichen Florenz', in *ibid.*, 489–523; Massimo Vallerani, 'Liti private e soluzioni legali: note sul libro di Th. Kuehn e sui sistemi di composizione di conflitti nella società tardomedievale', *Quaderni Storici*, NS 89 (1995), 546–57; *idem*, 'Pace e processo nel sistema giudiziario del comune di Perugia', *Quaderni Storici*, NS 101 (1999), 315–53; John Bossy, *Peace in the Post-Reformation* (Cambridge, 1998); Ottavia Niccoli, 'Rinuncia, pace, perdono: rituali di pacificazione della prima età moderna', *Studi Storici* 40 (1999), 219–61; *Peace and Negotiation: strategies for coexistence in the Middle Ages and the Renaissance*, ed. Diane Wolfthal (Turnhout, 2000); Charles Burroughs, 'Spaces of Arbitration and the Organization of Space in Late Medieval Italian Cities', in *Medieval Practices of Space*, ed. Barbara Hanawalt and Michael Kobialka, *Medieval Cultures*, 23 (Minneapolis, 2000), 64–100; Mario Sensi, 'Per una inchiesta sulle paci private alla fine del medio evo', in *Studi sull'Umbria medievale e umanistica in ricordo di Olga Marinelli, Pier Lorenzo Meloni, Ugolino Nicolini*, ed. Mauro Donnini and Enrico Menestò (Perugia, 2000); Chris Wickham, *Legge, pratiche e conflitti: tribunali e risoluzione delle dispute nella Toscana del XII secolo*, trans. Ilaria Bonaccorsi and Antonio C. Sennis (Rome, 2000); Trevor Dean, 'Violence, Vendetta, and Peacemaking in Late Medieval Bologna', in *Crime, Gender, and Sexuality in Criminal Prosecutions*, ed. Louis A. Knafla, *Criminal Justice History* 17 (2002), 1–17; K. Petkov, *The Kiss of Peace: ritual, self, and society in the high and late medieval west* (Brill, 2003) and Shona Kelly Wray, 'Reconciliation after Violence: peace contracts in the *Libri Memoriali* of fourteenth-century Bologna', article in manuscript which I thank the author for kindly sharing with me prior to publication. My thanks also to Trevor Dean for his most recent article on the subject and some of the bibliographical references included in this note.

1255, a model peace instrument destined for the use of contemporary and future notaries.¹⁰ Rolandino's *instrumentum*, a model of brevity, contains four principle clauses proffered in formulaic language which for the most part found their way into subsequent peace charters. The first clause of the contract lists the parties contracting peace. The document next notes that the *osculum pacis*, the kiss of peace on the mouth, is exchanged as a sign that the peace has been sealed. The third clause codifies the pledges made to maintain the peace. The fourth and final clause lists the sanctions—financial and otherwise—which were to be imposed if the peace should be violated. Notaries expanded the Bolognese model according to the exigencies of the situation at hand, as a glance at the register of Giovanni Cartepecchi, Rolandino's Florentine contemporary suggests. Some cases take up not more than a few lines, others a few folio pages.

3. *San Giorgio Alla Costa*

As a rule, notaries in thirteenth-century Florence were not itinerant; they developed clientele in their own neighborhoods and parishes.¹¹ Thus a notary's register is inevitably thick with descriptive cases issuing from one particular neighborhood or district and its environs. Familiar faces perforce crowd the pages and appear in multiple guises as witnesses to contracts or parties to various legal instruments such as land transactions, loans, marriage contracts, dowry settlements, testaments, and peace acts. Cartepecchi's register is no exception to this general rule; the briefs preserved in his case-book come predominantly from the 'populi sancti Georgii,' although every so often clients from other parts of town or even the *contado* find their way into his pages.¹²

¹⁰ Chapter vi in *Summa artis notarie* (Lyons, 1537). For notarial practice in medieval Florence, see Santi Calleri, *L'arte dei giudici e notai di Firenze nell'età comunale e nel suo statuto del 1344* (Milan, 1966) and *Il notaio nella civiltà fiorentina, secoli xiii–xvi*, Mostra nella Biblioteca Medicea Laurenziana, Florence, 1 October–10 November, 1984 (Florence, 1984).

¹¹ See, for example, Santa Maria Impruneta's early fourteenth-century notary, Benintendi di Guittone, who inscribed himself definitively in the community when he listed the tax he paid in the *estimo* of 1307. *ASF*, Not. Ant. 2354, fos 58v–59r.

¹² See, for example, the contract made with a merchant by the prior and sub-prior of Santa Maria Novella: *ASF*, Not. Ant. 4111, fos 89r–89v.

San Giorgio alla Costa was one of the many *popoli* that made up the Contrada d'Oltrarno, one of the six administrative districts (*sestieri* or *sesti*) of which the city was comprised as early as the mid-eleventh century, when the first circuit of walls was built to enclose and fortify urban expansion.¹³ The Contrada d'Oltrarno, home to the powerful Bardi family, was the southern district of the city into which the Ponte Vecchio spilled out after bridging the river Arno. The Oltrarno was itself subdivided into three *borghi*: the Borgo Santa Felicità (also called Piazza), Borgo San Jacopo, and Borgo Pidiglieso. The precocious development of the Oltrarno *sesto* was due to its favorable position at the *capo del ponte* [*vecchio*], which for many years was the only connection linking the city's strategic and commercial interests with southern Tuscany and Rome.¹⁴

The urban fabric of Borgo Pidiglieso was characterized by the towers and palazzi of the resident magnate families, the Mannelli, Canigiani and the Obriachi, along with the more numerous two- and three-story stone houses which perched over ground-floor shops belonging to the *popolo*. Borgo Pidiglieso was also home to the four parish churches of Santa Maria Soprarno, San Niccolò, Santa Lucia de' Magnoli, and San Giorgio, as well as Santa Maria Maddalena.¹⁵ As did other churches throughout the city of Florence, each of these lent their names to the inhabitant *popoli* who lived in their shadows. The chapel or *cappella* of the local church also gave its name to the lay warden or *cappellano* whose main function was to keep the peace and ensure public safety in his *popolo*. Prior to the fourteenth century information on the *cappellani* is scanty but a statute of the podestà from 1325 reveals that they were elected for a period of six months. By 1327, from one to four *cappellani* drawn mainly from the working classes—the *popolo minuto*—represented each of the fifty-six *popoli* of the city. Interestingly, Giovanni Cartepecchi's register seems to be our first documentary notice of the office of *cappellano*.¹⁶ The burden of this office consisted mainly of reporting within three days to the criminal judge of the podestà (*iudex mallorum*) whatever infractions

¹³ The six *sestieri* were San Piero Scheraggio, Borgo (di Santi Apostoli), San Pier Maggiore, Duomo, Porta di San Pancrazio, and the Contrada d'Oltrarno.

¹⁴ Franek Sznura, *L'espansione urbana di Firenze nel dugento* (Florence, 1975), 93.

¹⁵ Sznura, *L'espansione urbana*, 100–1; 98.

¹⁶ For the office of *cappellano*, see Robert Davidsohn, *Storia di Firenze*, trans. Giovanni Battista Klein, 8 vols (Florence, 1956–68), iii, 249n–50n. Davidsohn refers to Giovanni Cartepecchi as Giovanni Cantapochi.

of the law or disturbances of the peace had occurred in his district. But this obligation did not fall squarely on the shoulders of the warden; the *popolo* was also charged with denouncing any criminal transgression that passed in front of their eyes. As the *instrumenta pacis* demonstrate, neither the *cappellano* nor the *popolo* of San Giorgio seems to have been derelict in their duties. Indeed, over two-thirds of the peacemaking cases recorded by Giovanni Cartepocchi indicate that either members of the *popolo* or the *cappellano* first reported the case to the authorities. In the remaining cases the parties either decided voluntarily to make a formal peace, an inquest was begun *ex officio* by the court of the podestà, or the circumstances under which the parties arrived at peacemaking are not known. Ultimately, these methods reflect contemporary usage in the Florentine legal system as private accusation; public fame initiation; *ex officio* initiation by a judge; or denunciation to the court by district wardens or syndics were the primary means of bringing a legal case to court.¹⁷

4. *The Evidence*

The Social Composition of Peacemakers

1. *Gender*. Surprisingly for a patriarchal society such as medieval Florence, men were not the only parties to peacemaking.¹⁸ The peace-

¹⁷ Laura Ikons Stern, *The Criminal Law System of Medieval and Renaissance Florence* (Baltimore, 1994), 23–5.

¹⁸ Scholarship on women in the communal period has tended to focus mainly on religious women see, for example, the representative essays in, *Women and Religion in Medieval and Renaissance Italy*, ed. Daniel Bornstein and Roberto Rusconi, trans. Margery J. Schneider (Chicago, 1996) and *Creative Women in Medieval and Early Modern Italy: a religious and artistic renaissance*, ed. E. Ann Matter and John Coakley (Philadelphia, 1994). Much of the literature on Florentine women is tied to the institution of the family, see Christiane Klapisch-Zuber, *Women, Family and Ritual in Renaissance Italy*, trans. Lydia G. Cochrane (Chicago, 1985); eadem, ed. *Silences of the Middle Ages*, vol. 2 of *A History of Women in the West*, ed. George Duby and Michelle Perrot (Cambridge, MA, 1992); Carol Lansing, *The Florentine Magnates: lineage and faction in a medieval commune* (Princeton, 1991); Thomas Kuehn, *Law, Family, and Women*; idem, 'Figlie, madri, mogli, e vedove: donne come persone giuridiche', in *Tempi e spazi di vita femminile tra medioevo ed età moderna*, ed. Silvana Seidel Menchi, Anne Jacobson Schutte, and Thomas Kuehn (Bologna, 1999), 431–60 and other essays in the volume. See also Simonetta Cavaciocchi, *La donna nell'economia secc. XIII–XVIII* (Florence, 1990) and Samuel K. Cohn, *Women in the Streets: essays on sex and power in renaissance Italy* (Baltimore, 1996).

makers enshrined in the register of Giovanni Cartepocchi were both men and women, though men clearly outnumbered women as is the case in general in the *fondi notarili*. In Giovanni's thirty-one Florentine *instrumenta pacis*,¹⁹ fifty-nine men, eleven women, and three children act as parties to peace compacts. Significantly, women turn up in approximately one quarter of the *instrumenta*: they are actors making peace with each other, making peace with men, or making peace with other family members.²⁰ Since a woman had no legal identity under Florentine law, she had to act through a *mundualdus*, a legal representative who consented to her legal transactions.²¹ The *mundualdus*, a vestige of Lombard law, was usually appointed on the spot for the business at hand; he could be a brother, father, husband or any available male body so long as he had reached the age of majority, which in Florence was 18 years of age.²² It was a rather simple affair, the notary usually recited a legal formula such as this one: 'Ghisola, lodger with Maffei de Luilla of the *popolo* of San Giorgio, has come before me Giovanni, judge and notary undersigned, requesting me to bestow and confirm Lomo, son of Manovello of the aforesaid *popolo*, who is present and wishes to be her true and legitimate *mundualdus*.' The notary then took the woman by her right hand and handed her over—literally—into the *mundio* and power of her representative while uttering these words: 'You are the *mundualdus* for this woman.'²³ Although the *mundualdus* assented to the peace, the woman herself nonetheless performed the ritual kiss when required.²⁴

2. *Social Background*: Although Giovanni Cartepocchi identifies his clients by name, filial association (e.g., 'Pucciarellus filius Riccardini') and their parish (e.g., 'populi S. Georgii'), rarely does he include distinguishing markers of social background such as titles or occupations. Men are almost never designated by title in his register, with the exception of three cases. In the first two cases he uses it

¹⁹ There are thirty-one local cases in the register plus one which puts an end to a feud between the inhabitants of Cuona and Monte di Croce.

²⁰ ASF, Not. Ant. 4111, fos 97r; 99v–100r; 111v; 125r; 131v; 143r; 149v.

²¹ See Thomas Kuehn, 'Cum consensu mundualdi: legal guardianship of women in quattrocento Florence,' *Viator* 13 (1982), 309–31; reprinted in *Law, Family and Women*, 212–37.

²² See idem, *Emancipation in Late Medieval Florence* (Rutgers, NJ, 1982), 36.

²³ ASF, Not. Ant. 4111, fos 97r; 99v. I have cited two separate contracts.

²⁴ For reasons still unclear to me, in two cases women did not give the kiss of peace. Ibid., fos 100r; 125r.

to designate the noble status of the fathers of the two men—not the men themselves who are contracting peace. Ormannozzio Cionis is identified as the son of ‘quondam domini Abatis de Mannellis’ while his victim, Jannino is identified as ‘filius domini Petri de Catalonia.’²⁵ In the third case Cartepocchi uses the title to designate the grandfather of Neri, who is identified as ‘filius Simonis quondam domini Jacobi de Bardis.’ In the first and third case it is abundantly clear why Cartepocchi has used the title *dominus* to refer to both Abate de’ Mannelli and Jacopo de’ Bardi as both were once grandees of the neighborhood, the first a member of the noble Mannelli family, the second one of the principals of the great Florentine banking family.

Cartepocchi is even more reserved in his use of identifying markers of occupation. He distinguishes only two: the first a servant (*famulus*), the second an apprentice (*discipulus*), both rather marginal social positions.²⁶

More frequent, but no less problematic is Giovanni Cartepocchi’s use of the title *domina* for women. Eight of the eleven women who appear as parties to peace in his register are local women whom he calls *domine*, which was probably not so much an indicator of status as a signifier of respect for the local women of his contrada. Of the three women not accorded this title one was denominated *ospes*, a potentially dubious distinction; another he referred to as ‘of Domina Nuova,’ perhaps indicating servile status; and Fia, the third case, was a minor identified by reference to her father.

3. *Family relationships*: Cartepocchi, however, is a bit more forthcoming with familial designations than with markers of social status. Fathers, sons, grandsons, wives, widows, mothers, children, sisters and brothers and even entire families all turn up at one time or another in his register to draw up peace contracts.

Both men and women are identified in Cartepocchi’s register by their relationships to other men. As was the customary practice in medieval Florence, men were usually identified through a patronymic, i.e., ‘as the son of’ while women were identified through their marital status as either wives or widows or if underage by reference to

²⁵ Ibid., fos 104r; 111v. A noble family called the *di Catalani* existed in Florence in this period but I have not been able to trace either a Petrus or a Janninus. It is more likely that the name indicates that he was indeed from Catalonia.

²⁶ Ibid., fos 155r; 172v.

their fathers.²⁷ Of eleven female participants in peace contracts, six were married, two were widowed, two were probably single, and one was a daughter, a minor. Married women were parties to peace in over half of the cases in which females participated, proportionally outnumbering widows 3:1. Married women usually sided with the families into which they had married as was the case of Domina Adalagi, wife of Manuccio of San Giorgio. They and their three children (who were still minors for whom Manuccio gave his legal consent) made peace with their neighbor Pacino Buoni after having had a brawl in the parish on 9 September 1294.²⁸

More often than not fathers, sons and brothers found themselves on one side making peace with a party whom they had offended or from whom they had received offense. It was not uncommon for boys who had not yet reached the age of eighteen to appear as parties to a peace contract so long as they had obtained paternal consent for so doing.²⁹

But familial ties—even blood ties—were no protection against intra-familial violence. The sisters Puccia and Benina, daughters of Jacopo of Ripol—the former a widow the latter a wife—and both residents of San Giorgio, were denounced by the parish warden for having gone at each other with insults and bare fists on 15 Sept. 1291. Three days later they found themselves with their *mundualdi* in front of their neighborhood notary agreeing to the provisions of peace spelled out in the *instrumentum* or to submit to the sanction of 25 *denari* should they contravene the peace.³⁰

Neighbors and Neighborhoods

As were the sisters Puccia and Benina, the overwhelming majority of those who came before Giovanni Cartepecchi to make peace were from the Oltrarno, and most of them came from the popolo of San

²⁷ There are only two exceptions in the thirty-two cases: In the first, Ghisola, who is clearly a stranger and unknown to the notary and Cellus who is designated as the son of Ghisola, *Domina* of San Piero Maggiore. Ibid., fos 97r; 129r.

²⁸ Ibid., fos 150r–v.

²⁹ See for example, Ibid., fos 137v; 174v–75r.

³⁰ Ibid., fo 99v. The contracts stipulate 25 *florini parvuli* (*florini piccoli*), also known as *denari*. In 1252 there were 12 *denari* in 1 *soldo* and 20 *soldi* in 1 *lira* (*libra*) which was equal to the gold florin.

Giorgio itself. The register shows that just about 70% of the parties to peace came from the Contrada d'Oltrarno of which 38% came from the popolo of San Giorgio.³¹ The citizens from the other *sestieri* of Florence represented about 21% of the peacemakers while the remainder were made up of foreigners such as Maxellerius of Genoa or those whose locality was not recorded by the notary, a detail that he did not as a habit overlook.³² These figures make it clear that the average act of peacemaking was a neighborhood affair.

And so was the locus of violence from which the peace proceeded. By mapping the geography of violence that preceded the peace we find that the crimes committed took place for the most part either in the Oltrarno district or not far from it. That is, of the thirty-one Florentine cases which resulted in peace acts, twenty-four of them—fully 80%—began as some sort of dispute in the neighborhoods of the Oltrarno. San Giorgio itself could claim 30% of the cases, while the remainder took place either in other Florentine neighborhoods or the locale of the crime is unknown.

The Crimes

Rarely if ever do we learn from the notaries what led to a violent episode in the streets of San Giorgio. What we do learn is what type of violence ensued, who participated in the violence, whether insults or threats were made, and if blood was spilled. These were the constituent elements upon which a legal inquest for assault could be prosecuted.

Of Giovanni Cartepecchi's thirty-one Florentine peace instruments eighteen or 60% are rather straightforward assault cases in which one party attacked the other with 'vacuis manibus.' Most likely these were disputes that had degenerated into fisticuffs. As men predominated in parties to peace acts so they dominated as parties involved in assault cases, but women were by no means absent from the rolls of those who were implicated in this crime. Of the eleven women making peace contracts, ten of them were denounced to the warden of the *popolo* for brawling with bare hands.³³ These included the sis-

³¹ In the thirty-one documents that pertain to Florence itself, seventy-one individuals participated in peace contracts.

³² *ASF*, Not. Ant. 4111, fo 134v.

³³ Although Ghisola was not recorded as having committed assault with 'vacuis

ters Benina and Puccia but also included a case in which Vanna, perhaps a servant (identified as ‘of Lady Nuova’), and Neri, son of Simone of the late lord Jacopo de’ Bardi were denounced by the warden for fist-fighting.³⁴

As noted above, simple assault was usually described by the notary as ‘inter se ad invicem vacuis manibus percusserunt.’ Aggravated assault or assault and battery charges, however, called forth a more detailed description. Of the four cases (about 13%) that might be categorized as such, Cartepecchi conscientiously describes which body parts were injured—especially if it was the head—and if blood was drawn. These details were not gratuitous; they described the circumstances under which aggravated assault could be prosecuted and for which higher penalties could be levied should the case end up in court. In Cartepecchi’s register only one woman was involved in an aggravated assault case, notably as the victim. On 7 September 1293 in the parish of San Lorenzo, Fia, daughter of the late Ubertello Mercator of the *popolo* of San Giorgio had words with Jacopo Barberio of Santa Maria Soprarno, upon which Jacopo grabbed her by the hair and threw her to the ground with such force that blood gushed from her face. Three days later, after having been denounced by the *cappellano del popolo*, they found themselves drawing up a peace contract with the help of Giovanni Cartepecchi.³⁵

The most clear cut case of aggravated assault that resulted in a peace instrument was a case which took place in the parish of Santa Maria Soprarno in December of 1293 in which Guerruçço Danesi, a servant of Lapi de’ Minutoli, pushed Andrea di Maffey Gennay and then beat him with a stick until blood streamed from his wounds. Guerruçço then threatened to cut off Andrea’s nose and worse, to kill him. Somehow this violent tumult in the streets managed to escape the attention of the warden of the *popolo*; but having reached the ears of the court, an inquest was initiated *ex officio* by the tribunal itself.³⁶

As for the rest of the crimes that resulted in peace acts, they were matters of injurious speech: harmful words and/or insults (including

manibus’, her peace contract notes that she was accused of striking her victim (*percussione*). Ibid., fo 97r.

³⁴ Ibid., fo 111v.

³⁵ Ibid., fo 131v.

³⁶ Ibid., fo 155r.

insulting gestures) combined with assault. These cases made up almost a quarter of those that concluded in an *instrumentum pacis*. Presumably, since insults were not fined according to a tariffed system, Cartepecchi did not record them for posterity.³⁷

Up until now I have discussed the peace instruments that were drawn up to provide closure on episodes of local violence, usually assault, and which as a rule involved two to four people, usually residents of the same neighborhood. But Cartepecchi's register also contains one *instrumentum pacis* that does not fit this description. It is a peace charter that commemorates an end to vendetta not in Florence itself but in the contado. It seems that warring factions from the *castelli* of Monte di Croce and Cuona, both at Pontassieve about fifteen kilometers east of Florence, came together to make an 'irrevocable pact' in order to put an end to the standard list of crimes frequently found in the *clausulae* of peace contracts. They were to forgive each other for 'omnibus et singulis . . . hodiis, offensionibus, malivolentiis, manumissionibus, vulneribus, assaltibus, percussionibus et iniuriis.' Tellingly, at the head of the list and at its conclusion were two crimes that were not the stuff of quotidian peace contracts: feuds (*guerris*) and damage caused by arson. On 8 April 1296 the two parties led by Tingho, the emancipated son of Manetto of the commune of Monte di Croce and Spaduccia of Cuona came together to assent to a peace that put an end to the escalating enmity, warfare, and devastation to property in which the feuding parties had recently been engaged.³⁸ On the face of it, the peace-contract template does not look significantly different from the *instrumenta* examined earlier; comparison, however, reveals some significant differences. First is the very long set of sanctions against those who would break the peace, most notably a fine of 1000 *denari*, as distinct from the

³⁷ For insults and threats in late medieval-early modern criminal prosecutions, see R.H. Helmholz, *Select Cases on Defamation to 1600*, Publications of the Selden Society (London, 1985); Peter Burke, 'Insult and Blasphemy in Early Modern Italy', in *The Historical Anthropology of Early Modern Italy: essays on perception and communication* (Cambridge, 1987), 95–109; Daniel Lesnick, 'Insults and Threats in Medieval Todi', *Journal of Medieval History* 17 (1991), 71–89; Michael Toch, 'Schimpfwörter im Dorf des Spätmittelalters', *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 101 (1993), 310–27; L.R. Poos, 'Sex, Lies, and Church Courts of Pre-Reformation England', *Journal of Interdisciplinary History* 25 (1995), 585–607 and Daniel Lord Smail, 'Hatred as a Social Institution in Late-Medieval Society', *Speculum* 76 (2001), 90–126.

³⁸ ASF, Not. Ant. 4111, fos 174v–75r.

normal fine of 25 *denari* which characterized about three-quarters of the Florentine assault cases. Second, unlike the standard-issue peace charters Cartepecchi was accustomed to writing, this one required guarantors who acted as indemnities should the peace be broken. That is, as *fideiussores*, they were obligated to pay the enormous fine should the peace to be abrogated. Finally, this compact carefully spells out that peace has been contracted not only for the signatories but also for ‘*suis heredibus et descenditibus*,’ an indicator that the document was concerned not just with the present feud but with future vendetta which could be transmitted to one’s heirs and descendants, not unlike a lethal disease.³⁹

The other way this charter differs significantly from Cartepecchi’s standard-issue peace contract is that the parties to peace had not been denounced by the warden of the *popolo* to the court of the podestà. Rather, the Monte di Croce-Cuona contract was a classic case of private self-help in which the parties themselves decided to put an end to vendetta by employing the notarial services of Giovanni Cartepecchi. No tribunal had summoned them into court: the feuding parties, having wearied of the endless cycle of violence and vendetta, had themselves initiated the peace process.

The Judicial System

In the normal way, the *cappellano*’s report of a crime to the tribunal of the podestà was the first step on the path either toward a peace instrument or a court date. In nearly three-quarters of the assault cases a denunciation to the *cappellano* initiated the proceedings from which a peace contract resulted. But not all peace instruments were the result of cases that began in this fashion. Sometimes they were the result of an inquest initiated by the court itself, while at other times the case resulted from an accusation made against an aggressor, as was the case when Cambuiçcio, victim of an assault by Dosso di Lapi Beni Gherardini, denounced his assailant to the court.⁴⁰

³⁹ The mention of ‘heirs and dependants’ is not necessarily a marker of vendetta, however. Of the thirty-one assault cases at least three use the terminology invoking heirs and descendants. For a recent reconsideration of vendetta, see Dean, ‘Marriage and Mutilation.’

⁴⁰ ASF, Not. Ant., 4111, fo 160r.

In the routine cases that involved the *cappellano's* report, the wheels of justice turned swiftly. The *cappellano* was obliged to make his denunciation to the tribunal within three days of the crime. Once the case had reached the court it could be dismissed only if a peace instrument had been contracted within fifteen days from the date on which the crime had been committed.⁴¹ Cartepecchi's register shows that on the average peace charters resulting from the *cappellano's* denunciation were drawn up within seven days of the crime but two days was not unusual.⁴² Such figures reveal an extremely efficient system of dealing with local violence while promoting peace. Moreover, notarial instruments were a means of unburdening the communal courts. Then as now a court case was a costly and time-consuming affair which if given the choice, one would probably choose to avoid. An accuser had the responsibility of paying court costs (and fines if the case was lost) while the accused, if found guilty risked fines or a prison term or both. The *instrumentum pacis* was an attractive remedy precisely because it allowed the parties to circumvent a public inquest that was time-consuming, costly and risky. A private peace instrument could be had within the week for the price of a ritual kiss and a notarial fee, set by statute at probably no more than five *soldi*.⁴³ The choice would seem obvious.

Conclusions

It is my hope that this study has begun the task of dislodging some firmly entrenched stereotypes about private peacemaking in the late medieval Italian communes. As we have seen, peacemaking on the most basic level was not a matter of reconciling feuding magnates;

⁴¹ A peace instrument was one of a number of 'exceptions' by which a case could be dismissed. Exceptions could also be posed if 'one alleged that the inquisition was obscure, not formed properly, inept, vague, did not proceed, did not conclude, and lacked all solemnities and substantialities. Another contended that several crimes appeared in one inquisition. Still another alleged that the victim had not paid his taxes so was not entitled to be protected by the law,' Stern, *The Criminal Law System*, 27.

⁴² If a peace contract resulted from an inquest it could take anywhere from six days to six months to be drawn up.

⁴³ The *Arte dei giudici e notai* statutes set the schedule of fees. Most legal instruments carried set fees; five *soldi* was the most that notaries could charge for certain agreements according to the fixed fee schedule of 1344. See Calleri, *L'arte dei giudici e notai*, 59–60.

rather, it was about restoring public order in local neighborhoods after an episode of violence had disturbed the peace of the community. As both women and men were parties to violence, so too were they both parties to peacemaking, even if women had to appear before the notary accompanied by a *mundualdus* who assented to her peace. Peace contracts from these years in this neighborhood do not show ‘gendered’ crime: women were charged with precisely the same crimes of violence as men, although not with the same rate of frequency.⁴⁴

Day-to-day peacemaking was not in the ecclesiastical purview; rather, its practice was embedded in the civic institutions of the medieval commune. Its functionaries were neither bishops nor friars but rather public officials: the local warden of the *popolo*, the judge of the podestà, and the neighborhood notary. Notwithstanding the exchange of the *osculum pacis* which was indeed recorded in well over 80% of Giovanni Cartepeschi’s peace contracts, ceremony does not seem to have played a large role in ordinary peacemaking proceedings.

Ultimately, the private peacemaking system institutionalized in Florence in the later thirteenth century seems to have provided an expedient remedy for reconciling parties outside of the public court system. It was both swift and cost-effective. It also seems to have worked efficiently insofar as we can judge by cases of repeated offenses. Of the seventy-three signatories to peace commemorated in Cartepeschi’s register only three appear as repeat offenders. Pacino Buoni of San Giorgio made three separate peace contracts in one six-month period in 1294. He seems to have been a troublemaker: in one case he ended up in a violent tumult with an entire family (not his), including husband, wife, and three children.⁴⁵ In all three cases he was accused of assault. In two of them he added insult to

⁴⁴ On women and crime, see Barbara Hanawalt, ‘The Female Felon in Fourteenth-Century England’, *Viator* 5 (1974), 253–68; reprinted in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia, 1976), 125–40; Lesnick, ‘Insults and Threats’, 71–83; Samuel K. Cohn, ‘Women in the Streets, Women in the Courts, in Early Renaissance Florence’, in *Women in the Streets*, 16–38; Ross Balzaretti, ‘These are things that men do, not women: the social regulation of female violence in Langobard Italy’, in *Violence and Society in the Early Medieval West*, ed. Guy Halsall (Woodbridge, 1998), 175–92 and Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003). It should be noted that these findings differ from those of Trevor Dean whose work on fourteenth-century Bologna reveals that women were increasingly absent from peace contracts, see Dean, ‘Violence, Vendetta and Peacemaking’, 1–17.

⁴⁵ ASF, Not. Ant. 4111, fos 150r–v.

injury—literally—for he was denounced for physical violence and insulting words.⁴⁶ Another repeat offender was Dosso di Lapo Delbene who was involved in two violent melees in less than two weeks; while Ormannozzio, son of Cionis Mannelli, spaced his two offenses out over a period of three years.⁴⁷ Notwithstanding Ormannozzio, Dosso and Pacino, the expedient of private peacemaking seems to have been a practicable extra-judicial remedy in thirteenth-century Florence.

In the event, it seems to me that we have too willingly been led astray by the likes of Giovanni Villani and Dino Compagni, chroniclers whose stock-in-trade was to emphasize and italicize feud, vendetta, and violence in the magnate class. As I hope this paper has demonstrated, it is now perhaps salutary to turn our gaze to Florentine notarial culture in order to develop a sense of 'the peace in the feud.' Michael Clanchy has written that medieval [document] writers were 'so good at layout'—and here he is talking about layout on the folio page—'because they were taught that ordering things on the page was directly related to ordering them in the mind.' He goes on to quote Hugh of St. Victor who advised that 'to fix something in the memory, it is of great value when we are reading to take pains to imprint (*imprimere*) on the memory . . . the position and placement of the letters.'⁴⁸ Indeed, the position and placement of the letters is crucial for remembrance. It is, I believe, not insignificant that Florentine notaries of the later medieval period often drew attention to the peace cases in their ledgers by manipulating 'position and placement of letters.' That is, notaries made sure to indicate not only the parties to peace but also, more specifically, that it *was* a peace. A peace instrument was frequently noted in the margins of the register simply as a 'Pax.' And as it was inscribed on the page as a 'Pax' so it was meant to be recorded in the memory. Just as Ambrogio Lorenzetti directs the eye toward the central figure of peace in the 'Sala della Pace' frescoes, so too Giovanni Cartepeschi subtly turns the mind's eye in the direction of peace rather than enmity. Notarial systems of annotation reveal that while contemporary chroniclers were memorializing violence and vendetta, Florentine notaries were instead commemorating private acts of peace.

⁴⁶ Ibid., fos 141r; 143r.

⁴⁷ Ibid., fos 104r; 149v; 157v; 158r.

⁴⁸ Michael Clanchy, *From Memory to Written Record: England 1066–1307*, 2 edn (Cambridge, MA, 1993), 173.

THE *MISERICORDIA* OF BERGAMO AND THE
FRESCOS OF THE *AULA DIOCESANA*:
A CHAPTER IN COMMUNAL HISTORY¹

James M. Powell

The thirteenth century was a critical period in the history of the Italian communes. These sworn associations, drawn from various segments of urban society, including members of the rural aristocracy, professionals, merchants, and craftsmen, gained control of political institutions in many of the cities in the course of the twelfth and early thirteenth centuries. They promised greater order in urban life, but they aroused factional opposition, often centered on control of the commune itself. But from their beginning, the communes were in danger of losing out to both internal and external forces. Efforts to prevent political manipulation by internal factions from succeeding by employing intricate indirect methods for selection of officials usually led to more and more complicated schemes, suggesting both widespread cheating and intense distrust. Historians of the communes have, for the most part, concentrated on this aspect of the story. They have shown us much about the development of internal political factions, their ties to external forces, such as the rural aristocracy, and to like-minded groups in the cities, as well as the processes of political consolidation that were gradually subordinating smaller cities to their more powerful neighbors. They have traced the consolidation of political power that grew more common as the thirteenth century progressed. The dominance of particular families has led historians to speak of the rise of tyrants. The danger of tyranny lay in the fact that it appeared to offer a solution to internal strife.

¹ I wish to express my deep appreciation for the many kindnesses I have received from Brenda Bolton. She is a most unselfish colleague and friend. I also wish to thank Don Diego Tiraboschi, Director of the Ufficio Beni Culturali e Arte Sacra, for the diocese of Bergamo for permission to use reproductions of frescos in the *aula della curia diocesana*. Maria Teresa Brolis has been very helpful. I would be remiss if I did not acknowledge the helpful comments of the audience at the Midwest Medieval History meeting at Indiana University, Bloomington, in 2002.

Tyrants, beginning with the da Romano brothers operating from their power-base in Treviso, the della Torre in Milan, and the Este in Ferrara offered their supporters not merely stability but the possibility of a dominant regional role for their city.²

Historians have also examined the competition between the commune and the bishop. This was a difficult relationship, since the bishops in northern Italy had traditionally exercised not merely spiritual functions but also political authority as representatives of the empire. Since the late eleventh century, however, bishops and monastic houses, under the influence of the reform movement in the church, were attempting to recover properties that had been alienated and to increase and rationalize their holdings in order to restore fiscal integrity. The concept of *libertas ecclesiae*, the immunity of the church from secular control, brought ecclesiastical institutions directly into conflict with the communes. In some communes, however, as under Oddone Visconti in Milan and Berardo Maggi in Brescia in the second half of the thirteenth century, bishops laid the foundations for their families to gain control of communal government.³ But other aspects of communal development, especially those aimed at trying to reduce and eliminate violence by various religious means have, until recently, received little attention and, even now, have not been regarded as part of the main themes of communal history.⁴ As a

² For the point made here, see Philip Jones, *The Italian City-State: from commune to signoria* (Oxford, 1997), 519–21, where he discusses the tyranny of the da Romano in 'Verona, Padua, and the neighboring towns of Venetia and Lombardy . . .' as well as the Este and the della Torre and the later Visconti. It is his view that these constituted a noble reaction from 'communal or bourgeois state to monarchy and feudal state.' Although there is merit in this view, I do not think it does full justice to the complexity of communal society and the role of nobles in that society. But Jones has produced an outstanding discussion of the development of the communes. For a work that clearly charts a new path in the history of the communes, see Chiara Frugoni, *A Distant City: images of urban experience in the medieval world* (Princeton, 1991), which has a detailed discussion of Ambrogio Lorenzetti's fresco on good and bad government in the Palazzo Pubblico of Siena. In my view, however, her remarks (pp. 141–2) on the originality of his employment of religious discourse in his treatment of a secular topic should be read against the background of the continuing influence of the mendicants on efforts to solve communal problems. This topic is further discussed below.

³ On Berardo, see Gabriele Archetti, *Berardo Maggi: Vescovo e Signore di Brescia* (Brescia, 1994).

⁴ See, for example, Lauro Martines, 'Political Violence in the Thirteenth Century,' in *Violence and Civil Disorder in Italian Cities*, ed. Lauro Martines (Berkeley, 1972), 331–53; Jones, *Italian City-State*, 295–97, at 296, n. 301; Augustine Thompson, *Revival Preachers and Politics in Thirteenth Century Italy* (Oxford, 1992).

result, our study of the communes has been too narrow. The present paper focuses on the role of confraternities in the effort to curb factionalism and violence. In particular, it singles out the case of Bergamo and shows how a fresco cycle in the diocesan hall adjacent to the communal church of Santa Maria Maggiore provides insight into the history of this effort and the role of thirteenth century Bergamasque bishops in its promotion.

The smaller cities of northern Italy have, until recently, been neglected save by local historians. Indeed, it was once somewhat fashionable among Anglophone scholars to denigrate the *campanilismo* of Italian scholars. In recent years, however, greater attention has been given to such cities as Bergamo, Brescia, Como, Cremona, and Verona, along with such major centers as Milan.⁵ Studies of Pisa, Pistoia, Prato, and Siena early on pointed the way.⁶ Evidence of the rich civic culture that thrived in these centers has provided deeper insights into the dynamics of life in the communes. We need only mention St. Homobonus of Cremona, the merchant tailor canonized by Pope Innocent III in 1199, who devoted himself to the poor and to service in his confraternity, perceived by his bishop, the famous Sicard, as a model of communal citizenship.⁷ Albertanus of Brescia, a *causidicus* or legal counselor, was the most original lay thinker in the first half of the thirteenth century, whose influence on leading European authors extended beyond the fifteenth century. His analysis of the causes and remedies of violence examined the changes induced by urban growth. He was active in his professional confraternity both in Brescia and Genoa. Bonvesin de la Riva, the Milanese teacher and member of the third order of the Humiliati, wrote the *De Magnalibus urbis Mediolani*, which demonstrated the continued effort

⁵ James M. Powell, *Albertanus of Brescia: the pursuit of happiness in the early thirteenth century* (Philadelphia, 1992); Lester Little, *Liberty, Charity, Fraternity: lay religious confraternities at Bergamo in the age of the communes* (Bergamo, 1988); Maria Teresa Brolis, 'A Thousand and More Women: the register of women for the Confraternity of Misericordia Maggiore in Bergamo, 1265-1339', *The Catholic Historical Review*, 88 (2002), 230-46; Maureen Miller, *The Bishop's Palace* (Ithaca, 2000).

⁶ The work of David Herlihy was pioneering among English-speaking scholars; see his *Pisa in the Early Renaissance* (New Haven, 1958) and his *Medieval and Renaissance Pistoia* (New Haven, 1967).

⁷ André Vauchez, 'Le "trafiquant céleste": Saint Homobon de Cremona (1197), marchand et père des pauvres', in *Horizons marins: Itinéraires spirituels (V^e-XVIII^e siècle)* 2 vols (Paris, 1987), i, 115-120; also, my 'Innocent III, the Trinitarians, and the Renewal of the Church, 1198-1200', in *La Liberazione dei "cattivi" tra cristianità e Islam* (Rome, 2000), 245-54, at 253.

to strengthen civic culture in the second half of the century.⁸ We should also note the increasingly significant role played by the mendicant orders, especially the Dominicans and Franciscans, in northern Italy. Augustine Thompson has detailed their preaching campaign of 1233, called the *Alleluia* by Salimbene, which was aimed at reconciling factions in the cities and bringing an end to strife within and between the cities.⁹ Despite its limitations, amply described by Thompson, the *Alleluia* marked a major beginning for the involvement of the friars in communal life. But it was in the confraternities that we especially find the institutionalization of that effort in this period.

The history of confraternities, which was long regarded as of interest only to historians of religion, has in recent research taken on a much more central role in the history of communes.¹⁰ Clerical confraternities had a long history in the church, but in the course of the late twelfth century, the involvement of the laity in such organizations reflected fundamental changes in their role in the devotional life of the church. This trend, however, aroused concern among the hierarchy of the church and was responsible for the condemnation of various groups as heretics by bishops as well as by Pope Lucius III at Verona in 1184. Fear of heresy was certainly one of the main reasons why the mendicants began to form confraternities in the 1230s.¹¹ In 1235, Bartholomew of Vicenza founded the Militia of Jesus Christ in Parma.¹² This confraternity and others like it not only opposed heresy but also aimed at promoting internal peace in the cities by bringing together opposing factions among the nobility. Members were pledged to the defence of ecclesiastical institutions, but restricted in their use of arms for other purposes.¹³ This approach became quite common as a means of institutionalizing the peace-

⁸ Augusto Marinoni, 'La carità in Bonvesin de la Riva', in *La carità a Milano nei secoli XII-XV*, ed. Maria Pia Alberzoni (Milan, 1989), 111-21.

⁹ Thompson, *Revival Preachers; The Chronicle of Salimbene de Adam*, ed. J.L. Baird, G. Baglivi and J.R. Kane (Binghamton, N.Y., 1986), 49.

¹⁰ An extensive recent bibliography may be found in *La Matricola femminile della Misericordia di Bergamo (1265-1339)*, ed. Maria Teresa Brolis, Giovanni Brembilla, and Micaela Corato (Rome, 2001), xiii-xx.

¹¹ Jones, *Italian City-State*, 429.

¹² *Dossier de l'ordre de la pénitence*, ed. G.G. Meerrssman (Friburg, 1961), 290-95; *Chronicle of Salimbene*, 51. Bartholomew was later bishop of Vicenza.

¹³ *Dossier*, 292-95; See, also, the Militia Virginis, founded by Rufinus Gurgone, O.F.M. in 1261. *Dossier*, 295-307, at 298-9.

making efforts of the friars. In 1253, the Dominican Pinamonte da Brembate founded the Militia of the Holy Cross in Bergamo.¹⁴ This group possibly took its name from the small episcopal chapel of Santa Croce, built in the eleventh century near the residence of the bishop. Certainly, like other confraternities of this kind it was tied closely to the bishop, but we cannot rule out the strong influence of the crusades.¹⁵ Preachers of the crusades were instrumental in developing devotion to the Crucified Christ. Indeed, they saw the crusade as an *imitatio Christi*.¹⁶

While the founding of confraternities for particular groups of people continued, there may well have been a recognition that such groups had a limited influence. Certainly, there was no let up in violence in the cities. Lack of specific sources makes it difficult to provide a detailed picture of the way in which the founding of the confraternity of Santa Maria della Misericordia, known henceforth as the *Misericordia*, was related to the problems faced by the commune, but the indications that it was founded to meet a grave social need are, in fact, beyond any doubt. In 1265, Herbordus, the second Dominican bishop of Bergamo (1250–1272), enlisted the assistance of his fellow Dominican, Pinamonte da Brembate, to found a new confraternity. Pinamonte drew up a rule. From the outset, the *Misericordia* reached out to both men and women and included persons drawn from every social class.¹⁷ Moreover, it also included family members of the rival factions within the city. Members of the Suardi and Colleoni, along with their rivals the Bonghi, joined the *Misericordia*.¹⁸ Judging from the evidence of the “Register of Women,” a list of 1730 female members for the years 1265 to 1339, it enjoyed a phenomenal growth from the very beginning.¹⁹ Very possibly, this was achieved in part by affiliating members of other confraternities,

¹⁴ Little, *Liberty*, 59.

¹⁵ L. Paolini, ‘Le origini delle “Societas Crucis”’, *Rivista di storia e letteratura religiosa*, 15 (1979), 173–229.

¹⁶ Christoph Maier, *Crusade Propaganda and Ideology: model sermons for the preaching of the cross* (Cambridge, 2000), 59–61.

¹⁷ For women in other confraternities, see Brolis, ‘A Thousand and More Women’, 232–3.

¹⁸ Brolis, ‘A Thousand and More Women’, 241.

¹⁹ Brolis, ‘A Thousand and More Women’, see the table on p. 245, which shows that 58% of the women joined between 1265 and 1274. While it would be presumptuous to view the numbers of male members in these same terms, neither is there evidence that the pattern for men was different.

such as the large parish confraternity of San Michele al Pozzo Bianco and the Militia of the Holy Cross with the *Misericordia*. Its agenda included charitable works for the members, as was customary in confraternities, but also put considerable stress on social programs for the entire community.²⁰ Interestingly, the Franciscans, who were sometimes rivals of the Dominicans, were also active in its work.²¹ From its founding, the *Misericordia* occupied a central place in the life of thirteenth century Bergamo. It met twice a month in the Cathedral church of San Vincenzo, but also had close ties to the communal church of Santa Maria Maggiore and it was there that it established its storeroom for food.²² It is more difficult to trace its role in the public life of the commune, though its participation before the council of the commune is mentioned in the rule, but, as we will see, the frescos in the diocesan hall suggest that this aspect of its activity was important.²³

The frescos found in the *aula* adjacent to the church of Santa Maria Maggiore and the present episcopal curia were discovered during work of restoration in 1937 by the distinguished Bergamasque architect, Luigi Angelini. In 1940, he published a report on this work which included the first description of the frescos.²⁴ He dated them to the second half of the thirteenth century, to the episcopate of either Guiscardus Suardi (1272–1282) or Johannes de Scanzo (1291–1309), basing his attribution on his reading of the partial inscription below the figure of the bishop donor.²⁵ More recently, a new reading of that inscription has led Laura Polo d'Ambrosio and Anna Tagliabue to date the frescos to the reign of Bishop Johannes de Scanzo.²⁶ They are, for the most part, in rather poor condition and

²⁰ The rule is printed in *La Matricola femminile*, 68–79, at 71.

²¹ *La Matricola femminile*, 76.

²² Little, *Liberty*, 59.

²³ *La Matricola femminile*, 76–7. On the role of confraternities in communes, see my 'Religious Diversity and Communal Politics in Thirteenth Century Italy', in *Portraits of Medieval and Renaissance Living*, ed. Samuel K. Cohn and Steven Epstein (Ann Arbor, 1999), 363–81.

²⁴ Luigi Angelini, 'Scoperte e restauri di edifici medievali in Bergamo alta', *Palladio: rivista di storia dell'architettura*, 4 (1940), 35–43. See also his *Affreschi trecenteschi in Bergamo* (Bergamo, 1953), 36–8.

²⁵ Angelini, 'Scoperte', 36.

²⁶ Laura Polo D'Ambrosio and Anna Tagliabue, 'Un ciclo bergamasco di primo duecento: gli affreschi dell'aula della curia', *Arte Cristiana*, 77 (1989), 269–82, at 270. The effort to attribute the frescoes to an earlier Bishop Johannes (1211–40) is, I believe, incorrect for the reason made clear in this article.

thus far have not attracted much attention from art historians. In her recent study of episcopal palaces in northern Italy, Maureen Miller has advanced the view that the fresco cycle is a statement of the episcopal role in civic life.²⁷ In brief, her argument is that the *aula*, which predates the frescos by as much as fifty years and perhaps more, was erected adjacent to Santa Maria Maggiore to prevent further expansion of the communal church, which already, together with the municipal buildings opposite, had pushed the Cathedral of San Vincenzo into a *cul de sac*, as it remains today.²⁸ The building of the *aula*, perhaps following the destructive earthquake of 1222, prevented the expansion of Santa Maria Maggiore and the addition of an eastern vestibule and facade. Thus the bishop was protecting his position in the city from the commune. Moreover, the arrangement of the frescos in the *aula*, a series based on the life of Christ, was divided in two by a huge arch, thus creating two almost separate spaces. This problem was resolved by placing, as Miller suggests, the episcopal throne in the second of these areas directly beneath the fresco of Christ in glory and the Last Judgment scene.²⁹ The bishop as judge was thus central to the *aula*. I generally agree with Miller, but I believe that we can provide a fuller explanation by showing how these frescos demonstrate the important place of the confraternity of the *Misericordia* in both the religious and civic life of thirteenth century Bergamo.

The most striking feature in the *aula* is the arch.³⁰ The artist made effective use of its entire span by portraying the Annunciation with the angel in the left corner and the Virgin in the right. Across the top is an inscription with Mary's acceptance of God's will.³¹ This scene is the first in the life of Christ cycle. The theme of the life of Christ had emerged in the course of the twelfth century as a central feature in the new lay spirituality. Christian life was viewed as an *imitatio Christi*, which, as we have seen, was promoted by crusade preachers and had become a staple in preaching to both clergy and

²⁷ Miller, *Bishop's Palace*, 185–201.

²⁸ *Ibid.*, 184–89. The construction of the Colleoni Chapel adjacent to Santa Maria Maggiore has added to the isolation of the cathedral and the *aula*, which is now reached by an external stairway next to the chapel.

²⁹ *Ibid.*, 197–200.

³⁰ *Ibid.*, 193, figure 67.

³¹ D'Ambrosio, 'Un ciclo bergamasco', 270. '... fiat mihi secundum verbum tuum.'

laity. One feature that became increasingly pronounced during the thirteenth century and found a central role in the preaching of the mendicants was an emphasis on the humanity of Christ in direct response to the anti-materialistic views of the Catharist heretics. Thus, the depiction of Mary accepting the words of the angel and her submission to the Divine Will established the theme for the entire cycle as an imitation of Christ. The frescos move in a clockwise fashion to the infancy of Christ, which is depicted amid a cluster of people around the Virgin Mary, with the new born Christ bound up in cloth in a contemporary and very natural manner. The lying-in of the Virgin was a very different image from that found in the evolving nativity scenes or the Madonna with child. This scene puts a greater emphasis on the natural aspect of child birth.³²

What further strengthens the argument for seeing this cycle as a reflection of the devotional life of the *Misericordia* is the important place accorded to the Last Supper on the east wall³³ (Figure 1). Christ is shown giving the dipped bread to Judas, at the bottom of the fresco. John rests his head on Christ's breast. But the most striking feature is the manner in which the table is lavishly spread with numerous dishes, making it clear that this has been celebratory meal. The combining of the Eucharist with the meal and the prominence given to this banquet, with the figure of Christ at its center, provides a connection between these frescos and the *Misericordia*. Banquets at which the poor were fed along with the members were a feature of confraternity meetings, carefully described by Albertanus of Brescia in his sermons commenting on the rule of his confraternity only a few years earlier than this cycle.³⁴ In his first sermon delivered in the church of San Giorgio in 1250 to the members of the confraternity of *causidici* in Brescia, Albertanus speaks of three topics, illumination, spiritual refreshment, "which we are accustomed to receive from the friars here with devotion," and "bodily refreshment, which we should take here with charity."³⁵ He explains a portion of the

³² Miller, *Bishop's Palace*, 194, figure 70.

³³ Ibid., 194, figure 71.

³⁴ Powell, *Albertanus of Brescia*, 98–9; Gregory W. Ahlquist, 'The Four Sermons of Albertanus of Brescia: an edition', M.A. Thesis, Syracuse University, 1997, 102–42. This edition contains an English translation.

³⁵ Ahlquist, 'Four Sermons', 57–8. For the Latin text, see 33: 'Nunc accedamus ad secundum causam propositi nostre congregationis, scilicet ad tractandam de reflectione [sic!] spirituali, quam hic a fratribus cum devocione recipere consuevimus.'

food should be given to the needy. It should not be fancy and there should be no excess or drunkenness. Rather, his watchword is moderation.³⁶ In this way, the members avoid “shameful poverty, preserve health, and flee the wrath of God.” They are “refreshed at the table of Christ.”³⁷ The next fresco shows Christ washing the feet of an apostle (Figure 2). It is to be read in conjunction with the Last Supper in order to emphasize the importance of service, which is central to the confraternity.

Moving beyond the arch, the artist presents scenes of the Passion, including Jesus before Pilate, leading to a space which must once have contained the crucifixion.³⁸ Finally, the west wall shows Christ in glory, receiving the praise of the just, and Christ as judge over the damned.³⁹ The scroll in the hand of Christ in glory should, in my opinion, be read as carrying out the theme stated in the Annunciation fresco: “Let him who wishes to follow me, deny his very self . . .”⁴⁰ Thus assent to the will of God, represented by Mary in the Annunciation, culminates in the words of Christ himself, reinforcing the meaning of the frescos as an *imitatio Christi*.

At first it may seem strange that space so closely connected to the bishop would be devoted to a theme related to the confraternity, but we have already shown that this confraternity was closely tied to the bishop. Indeed, the very first section of the rule affirms the authority of the bishop and his role in the founding of the confraternity.⁴¹ This relationship finds its expression more clearly on the east wall below the image of Christ in glory and immediately behind where Miller has suggested that the bishop had his throne.⁴²

Beneath the figure of Christ are a series of medallions, each depicting an individual (Figure 3). As Miller suggests, most of these are clearly persons of importance in the civic life of the commune, but the figure depicted on the right, holding a book, and standing outside

And 34: ‘Nunc accedamus ad terciam causam propositi nostre congregationis, hoc est ad reflectionem corporalem, quam cum caritate hic consuevimus percipere.’

³⁶ Ahlquist, ‘Four Sermons’, 59. For Latin, see 36 ‘. . . non modum servare debemus in quantitate et qualitate et in multitudine ciborum ac varietate.’

³⁷ Ahlquist, ‘Four Sermons’, 60. For Latin, see 37: ‘Paupertatem turpem fugiemus . . .’ and 38 ‘. . . poterimus refici ad mensam Christi.’

³⁸ Miller, *Bishop’s Palace*, 196–97.

³⁹ Ibid., 199, figure 76.

⁴⁰ D’Ambrosio, ‘Un ciclo bergamesco’, 271; Miller, *Bishop’s Palace*, 197.

⁴¹ *La Matricola femminile*, 68.

⁴² Miller, *Bishop’s Palace*, 197–200.

of a medallion in which another figure is reading from a scroll, is, I believe, Pinamonte da Brembate, the author of the rule of the *Misericordia*, shown with a book on which are inscribed the words, *Pax et Misericordia* (Figure 4). The other figure within the medallion, reading from a scroll and facing the other medallions, is robed and wears a kind of crown. I would suggest that he may be an officer of the confraternity and the scroll may contain the rule.⁴³ The present state of the inscription and its abbreviated nature make it difficult to prove this point, but it remains possible. But the interpretation of the lower figure offered here is, however, confirmed, I believe, by the fact that there is a direct reference to the *Misericordia* in the inscription, uniting the idea of peace to the title of the confraternity. The figures in the medallions therefore round out this statement of the foundation of the *Misericordia* by depicting important civic leaders.

From the evidence cited above, it seems probable that the patron of the artist of the frescoes was Bishop Johannes de Scanzo, who had been a canon of the Cathedral.⁴⁴ It was there that the *Misericordia* held its meetings and, like many clergy who were members, he may well have participated. We should not, however, rule out Bishop Guiscardus Suardi.⁴⁵ As a member of a family deeply involved in the politics of the period and also active in the confraternity, as were their leading opponents, the Bonghi, who would provide a bishop who reigned from 1289 to 1295, he might have desired to stress the importance of the confraternity in the religious and civic life of the commune.⁴⁶ What is more notable than the identity of the bishop, however, is the fact that he would seek to affirm the close connection of a confraternity to the bishop, but, as Lester Little has maintained, not just any confraternity but one that was at the center of civic life, particularly in administering charity.⁴⁷ Furthermore, as Maria Teresa Brolis has demonstrated, it was dedicated to healing political divisions in the city.⁴⁸ If we consider the implications of the fresco cycle, we can take this one step further. It celebrates the fact that, by founding the *Misericordia*, Herbordus had reclaimed a role for the

⁴³ Ibid., 197.

⁴⁴ Conrad Eubel, *Hierarchia Catholica Medii Aevi*. 3 vols (Padua, 1960), i, 396.

⁴⁵ *La Matricola femminile*, 68. The rule mentions a Guiscardus, who is archdeacon. Could this be the later bishop?

⁴⁶ Brolis, 'A Thousand and More Women', 241.

⁴⁷ Little, *Liberty*, 58–59.

⁴⁸ Brolis, 'A Thousand and More Women', 240.

bishop in the civic life of the city. The artist has, in fact, brought out that very point.

As we have seen, Maureen Miller's suggestion that an episcopal throne was placed just in front of the depictions of Christ in glory and Christ as judge supports this interpretation.⁴⁹ She argues that the images of Christ reinforced the image of the judicial role of the bishop. But, in my view, that picture is incomplete. Without ruling out the use of the hall for judicial purposes, I would argue that it was a kind of meeting area as well. Its purpose was to pull together important aspects of the history of the Bergamasque church. If the confraternity was one of these, then the images of the two first bishops, Saints Narnus and Viator, on the opposite or eastern wall served to remind the bishops of the antiquity of their See and its great prestige.⁵⁰ The portrayal of Saint Alexander, the fourth century martyr and patron of Bergamo, as a mounted warrior, a protector of the city, placed above the two bishops carried this message further.⁵¹ The bishops of Bergamo were heir to a close relationship to their city. Saint Alexander may also have reminded those in the hall of that other confraternity, the Militia of the Holy Cross, whose membership had now been subsumed in the *Misericordia*.⁵² Like Saint Alexander, the members of the Militia were devoted to defending the church of Bergamo. We may also suggest that the wheel of fortune found on the arch nearest the frescoes of Saint Alexander and the bishops, supports this overall message by reminding everyone who came to the hall, religious and secular, of the instability of their position. Of course, it would also remind all those who looked on these frescoes that the only real fortune was to be found in the life of Christ. Emphasis on the spiritual captured the spirit of the times.

The fresco cycle avoids any note of conflict or confrontation. Its effort to promote harmony most probably explains its culmination in an image not merely of Christ in majesty as a judge, but in the depiction of Pinamonte and civic leaders joined in the confraternity of the *Misericordia*. We should not forget that this confraternity was

⁴⁹ Miller, *Bishop's Palace*, 197–200.

⁵⁰ *Bibliotheca Sanctorum*, 12 vols. Index (Rome, 1961–70), ix, cols 727–30, 'Narno'; xii, cols 1069–70, 'Viatore'.

⁵¹ *Bibliotheca Sanctorum*, i, cols 770–76, 'San Alessandro'. I think that the presentation of Saint Alexander as a knight supports this view.

⁵² Little, *Liberty*, 61.

a product of mendicant spirituality, represented by Bishop Herbordus and Pinamonte da Brembate. The civic agenda for the promotion of urban peace had never been far from the minds of the friars, especially since the year of the *Alleluia* (1233).⁵³ Indeed, the experiences gleaned in the events of that year may well have informed the direction taken in the founding of the confraternity, expressed so succinctly in the inscription on the book carried by Pinamonte da Brembate, "Pax et Misericordia." We cannot argue that Bergamo escaped the turmoil experienced elsewhere, but neither can we view its experiment as a failure. Instead, I believe that we should recognize that the civic culture of thirteenth century Bergamo went well beyond that narrowly defined view of politics on which modern scholars have hitherto focused. The commune itself was the expression of elements drawn from the diversity of experiences that composed that civic culture. For this reason, emphasis on particular social or economic groups provides only a very partial and sometimes distorted image of civic culture in this period.⁵⁴ This approach does not do justice to the complexity of society in the age of the communes.

⁵³ See Thompson, *Revival Preachers*.

⁵⁴ The most recent summary of the development of communes is found in Jones, *Italian City-State*, 130–51. 'By northern standards the commune in Italy was not a purely class organization, functional, subsidiary, but from the outset all-embracing, universal, total.' (150) There is much good sense in this statement, but it still does not go far enough in bridging the traditional gap that has distanced cultural from social and economic factors in interpretations of the communes. Perhaps the discussion here may better show how contemporaries perceived the problems of their society not in fragmented segments but as part of a total cultural experience.

MONASTIC OBSERVANCE AND COMMUNAL LIFE: SIENA AND THE EMPLOYMENT OF RELIGIOUS¹

Frances Andrews

The minutes (*riformanze*) of the city Council of Perugia for 23 December 1259 record a question of ordinary business calling for an immediate decision. According to the statutes of the city, there was to be just one *camerarius* (treasurer) of the commune for the following year. He was either to be a Dominican, a Franciscan, an Augustinian or a Cistercian. But which order was it to be and how was the selection to be made? The *riformanze* do not record the details of discussion, except that it was resolved that the selection should be made by lot. The first man to be asked would be chosen from the brethren of the order whose name was drawn.²

This recourse to sortition to elect officials was a natural reflex in the administrative life of city governments in thirteenth-century Italy, though it was more often the friars who were involved in administering the process of election for other officials.³ The statutes of Faenza give a detailed example of how such election by lot was to be accomplished. Two Dominicans and two Franciscans were to be chosen

¹ It gives me great pleasure to dedicate this paper to Brenda Bolton, who first encouraged me to work on the Humiliati and has done so much to aid me and other scholars in their researches. I am also very grateful to Maureen Miller, Patrick Zutshi and Mario Ascheri for their helpful comments on this paper. The Leverhulme Trust, the Humboldt Stiftung and the Royal Society of Edinburgh Caledonian Research Fund provided support which allowed me to work in the archives and libraries of Siena, Berlin and Rome.

² V. Ansidei, *Regestum reformationum comunis Perusii ab anno mcccvi ad annum mccc* (Perugia, 1935), 81: 'Cum contineatur in statuto civitatis quod unus tantum camerarius dicti Comunis esse debeat pro anno futuro et de Ordine Predicatorum vel Minorum vel S. Augustini vel Zistelli, quid placet super hoc, videlicet de quo Ordine volunt ipsum assumi et quomodo. . . . Placet quod fiant IV brevia et in unoquoque eorum sit scriptum nomen cuiusque Ordinis, et illud breve quod ante venerit, de illo ordine primo eligatur camerarius.' Cited by Stanislao da Campagnola, 'Gli ordini religiosi e la civiltà comunale in Umbria', *Storia e arte in Umbria nell'età comunale*. Atti del VI convegno di studi umbri, 2 vols (Perugia, 1971), ii, 470–532, 502. The first volume of Perugian riformanze to survive covers 1256–1260.

³ For the mechanisms, see John M. Najemy, *Corporatism and Consensus in Florentine Electoral Politics, 1280–1400* (Chapel Hill, 1982).

to act as scrutineers. In the presence of the Council, the podestà or his deputy was to give a friar from one of the orders a container with the names of all those eligible (the *anziani*, councillors and consuls). Meanwhile, a friar from the other order would be given a second container with the names of the offices and a number of white or blank *brevia* to add up to the total of eligible men. The two friars were to stand apart from the body of the council, accompanied by reliable civil notaries and proceed to the drawing of lots, each extracting a *breve* simultaneously or nearly, and handing it to the notary standing by them. One notary was to call out the name of the candidate and the other either, 'ello e bianco' if they drew a blank, or 'venga' (come forward), if the second *breve* contained the name of an office. In the latter case the individual named was to come out and nominate someone else to hold the office.⁴

This elaborate two-stage process, described here in unusual detail and in an arresting combination of Latin and *volgare*, serves as a reminder of the anxieties of city legislators and of one reason for employing regular religious. All parties might accept men professed to the religious life as above suspicion at a tense moment such as an election, though even they had to be *seen* to be free of collusion.

Clerics had long been the learned elite and employed as record-keepers and administrators, so this resort to their services need come as no surprise.⁵ Nor are these examples at all unusual despite the highly literate and numerate lay societies of Italian cities in this period. The evidence from Perugia can easily be replicated with examples from central and northern Italy. In 1978 Richard Trexler published a study of one of the best-documented instances, the city of Florence. In an aptly titled article: 'Honor among thieves. The trust function of the urban clergy in the Florentine republic',⁶ he described the use of clergy, both regular and secular, as city officials at all levels: as bridge-builders, scrutineers and finance officers.⁷

⁴ *Statuta Faventinae*, i, ed. G. Rossini, RIS² 28/v, 52–6.

⁵ On the semantic pair 'clericus-litteratus', see M.T. Clanchy, *From Memory to Written Record, England 1066–1307* (Oxford, 1993), at 226–34.

⁶ Richard C. Trexler, 'Honor among thieves: the trust function of the urban clergy in the Florentine republic', in *Essays presented to Myron P. Gilmore*, ed. S. Bertelli and G. Ramakus, The Harvard University Center for Italian Renaissance Studies Villa I Tatti (Florence 1978), 317–34.

⁷ For religious as supervisors of building works see now *Opera: carattere e ruolo delle fabbriche cittadine fino all'inizio dell'età moderna*. Atti della Tavola Rotonda, Villa I Tatti, Firenze 3 aprile 1991, ed. M. Haines and L. Riccetti (Florence, 1996).

Trexler was primarily concerned with the nature of late medieval administration and used the case of Florence to argue that clerical participation in administration was not 'anti-modern'. Rather, because of the 'absence of personal charisma and noble honor in the representative elements of the regime,' it acted as a guarantee of the quality of the administration. Instead of seeing government in cities such as Florence as the embodiment of a secular and anti-clerical, 'modern', ethos, he argued that such governments needed the 'trustworthy man of God': 'reliance on the religious person's obedience to his prelate was an obligation insured by the threat of excommunication for sin as no merely civil oath was.' The individual religious chosen did not need to be particularly holy or charismatic, but was a 'functionary incorporating the official charisma of the church.'⁸

Trexler's approach draws attention to the importance of secular-clerical relations to the legitimacy of government in a city such as Florence. It suggests that we should expect to find clerical involvement in governments of this nature. Yet what of clerical attitudes? The assumption made by the city Council of Perugia (and also implicit in Trexler's work) is that members of the leading orders of regular religious in the city would be available to staff a major (or minor) communal office. At first reading, the phrasing of the *riformanze* might appear to hint at a contingency plan should one of the orders prove reluctant: 'the *camerarius* shall *first* be chosen from the order whose *breve* is drawn *first*.'⁹ This is however more likely to refer to an intended rotation of the orders over the coming years. What both the Perugia decision and Trexler's study suggest is that not only were regular religious called upon to participate in city government, but that this was often taken for granted. This runs counter to attempts made since at least the eleventh century and the heat of the 'Gregorian' reform, to detach clergy from the daily routines of the lay world. Most clergy must have been aware of Innocent III's constitutions enacted at the Fourth Lateran Council in 1215 which forbade clerics to take part in secular affairs.¹⁰ The compilers of the *Liber Augustalis* issued in Frederick II's name in August 1231 had perhaps

⁸ Trexler, 'Honor among thieves', 319, 322.

⁹ See above n. 2.

¹⁰ 'Constitutiones Concilii Lateranensis IV', *Conciliorum oecumenicorum decreta*, ed. J. Alberigo et al. (Bologna, 1972), 16: 'clerici officia vel commercia saecularia non exercent, maxime inhonesta. . . .'

more contingent political reasons for pointing out that clergy were *ipso facto* excluded from affairs of state, but the result is the same.¹¹ The reforming orders of the thirteenth century famously engaged more closely than their predecessors with the pastoral needs of the burgeoning urban society in which they existed.¹² In the heightened atmosphere of revivalist enthusiasm during the *Alleluia* of 1233 friars were even invited to review and correct city statutes.¹³ It is evident that reformers could not succeed in separating Church and world or Church and 'state'. But at no point were the ideals of the religious orders conveyed as an undertaking to engage in the daily business of secular administration.

In the late 1240s and early 1250s the pope addressed this issue directly on behalf of the Humiliati in the north of the peninsula. His letters reflect the concern for detachment. In reply to a petition from the Master and provosts of the order in 1247, Innocent IV ordered city magistrates (podestà and rectors) in *Lombardia* to cease forcing unwilling brothers of the First, Second or Third orders to carry out secular duties (*secularia officia*) to the detriment of their houses.¹⁴ The Franciscan archbishop of Milan, Leo da Perego, was also enlisted to protect the order.¹⁵ Four years later, this instruction to the archbishop was renewed with significant modifications: the ban now explicitly concerned the city of Milan, where the podestà and commune had been forcing brothers of the First and Second orders to carry out public offices (*officia publica seu communitatis*), to weigh grain and flour and to collect tolls at the gates of the city. This was no longer simply detrimental to the order but also to ecclesiastical liberty (*quia redundant in detrimentum libertatis ecclesiasticae*).¹⁶ In

¹¹ *Die Konstitutionen Friedrichs II. für das Königreich Sizilien*, ed. W. Stürner, *MGH Leges* 4, *Constitutiones et acta publica imperatorum et regum* 2 (Hannover, 1996), 240, Liber 1, tit. 72 rub. 1: 'Clerici quoque quos a forensibus negotiis ipse ordo clericalis excludit...'

¹² See Lester K. Little, *Religious Poverty and the Profit Economy* (London, 1978).

¹³ See A. Thompson, *Revival Preachers and Politics in thirteenth-century Italy: the Great Devotion of 1233* (Oxford, 1992), 179–204.

¹⁴ *Devota humilitas a*, Archivio Segreto Vaticano, Reg. Vat. 21, fo. 399r no. 772: '... nos igitur vestris supplicationibus inclinati, auctoritate presentium districtius inhibendum [sic], ne aliqua secularis persona de cetero ad exercenda secularia officia vos compellat invitos. Nulli ergo...'; Edition with minor errors in G. Tiraboschi, *Vetera humiliatorum monumenta*, 3 vols (Milan, 1766–8), ii, 216; see also, Frances Andrews, *The Early Humiliati* (Cambridge, 1999), 273 no. 66.

¹⁵ Andrews, *Early Humiliati*, 274, no. 67.

¹⁶ *Ibid.*, 281 no. 95.

August of the following year (1252) the bishop of Novara was recruited to the cause on behalf of the Second order and a further letter was sent in December, confirming that the Humiliati of both First and Second orders in Milan were not to be required to engage in the *communi negotia* of cities.¹⁷

The Humiliati in Milan may have been particularly hard-pressed in these years, or particularly vocal, since no such letters appear to survive for the Humiliati in other areas or periods. It is certainly significant that the Third order was omitted from the later correspondence, suggesting that in Milan a compromise allowed for Tertiaries to be so employed. Other cities also made extensive use of lay religious and penitents.¹⁸ Yet this renders it still more difficult to account for the participation of regular religious in city administration and government. How and why did this come about? By focusing on one office, that of the *camerarius* or treasurer and one city, Siena, this paper is intended as a first exploration of this issue. It sets out to expose the circumstances which underlie this state of affairs and how we might establish the motivations of the religious involved, both as individuals and as communities.

The Camerarii of Siena

The surviving records of Siena provide a particularly well-documented case for our purpose. The extraordinary wealth and size of the city allowed for precocious administrative development and the early establishment of the Biccherna, the financial 'clearing house' of government, from which remarkably complete records survive.¹⁹ All income and expenditure passed through the Biccherna until the late thirteenth century, when the office of indirect taxation, the Gabella, acquired greater independence. The Biccherna was normally staffed by four *provisores* or overseers, who served for six-month terms, changing each January and July.²⁰ These men were chosen

¹⁷ Ibid., 283–84, nos 98, 102.

¹⁸ For an excellent study of the penitents in Perugia, see Giovanna Casagrande, *Religiosità penitenziale e città ai tempi dei comuni* (Rome, 1995).

¹⁹ On this see W.M. Bowsky, *The Finance of the Commune of Siena, 1287–1355* (Oxford, 1970).

²⁰ Until 1231 the term was one year, see V. Crescenzi, 'Note critiche sul codice

from prominent families of the city and, during the regime of the Nine (1287–1355), often comprised both members of the families included in government (*i Noveschi*) and those excluded as ‘magnates’. Ample means were a necessary condition of office since it might involve underwriting substantial loans. Unsurprisingly the *provisores* came to play a major role in Sienese public life. Alongside them worked the *camerarius* who handled the money and kept the accounts, assisted by a *scriptor*, *custodes* and messengers.²¹ By the time of the Nine, the *provisores* together with the Nine chose the *camerarius*,²² though as we will see, their choice did not always go unchallenged.

Between them, the *provisores* and *camerarius* of the Biccherna were the final regulators of the economic and financial life of the city.²³ In the mid thirteenth century their office was located near (if not in) the church of San Pellegrino, the meeting place of the commune.²⁴ The Biccherna’s continuing importance in city life was acknowledged in its new position on the ground floor of the Palazzo Comunale completed in 1310. This put the *provisores* and *camerarius* next to the chief city magistrate, the podestà, a proximity which reflected the reality of daily association.

At the end of each six-month term neat copies of the accounts, one from the *camerarius* and one from the *provisores*, were drawn up on parchment for presentation to the *consilium generale* (the Council of the Bell) or, from 1287, to the ruling group of Nine and the Council together. 365 of these registers of income and expenditure, *i Libri dell’entrata e dell’uscita* survive, spanning 1226 to 1555, with numerous gaps.²⁵ They have often been recognised as an essential tool by historians of Siena, encouraged perhaps by the fact that they make remarkably enjoyable reading for account books. They allow

Statuti 1 dell’archivio di stato di Siena’, *Archivio Storico Italiano*, 148 (1990), 511–79, at 531.

²¹ As revealed in salary payments, for example, Archivio di Stato, Siena [henceforth ASSi] Biccherna 110, fo. 105r 30 January 1294, fo. 130 30 April, fo. 140v 30 May.

²² Bowsky, *The Finance*, 7.

²³ Crescenzi, ‘Note critiche’, 531.

²⁴ In 1259 the rector of San Pellegrino received rent from the commune for the Biccherna and ‘curia’: *Libri dell’entrata e dell’uscita del comune di Siena detti della Biccherna. Registro 29° (1259 primo semestre)*, ed. S. Fineschi (Rome, 1969), 52: ‘Item C. sol. domino Ranerio rectori ecclesie Sancti Peregrini de suma triginta librarum quam habere debet a communi pro pensione biccherne et curie’.

²⁵ In 1902 it was decided to publish the registers and the first 22 were produced between 1914 and 1970.

us to identify the major items of expenditure (building works, salaries and the costs of war) and the financial impact of decisions taken by the Council.²⁶ Some of these were very long term. The *Constituto* of the commune of 1262 for example lists numerous payments to be made to religious communities, including an annual gift of 15000 bricks to the Humiliati of the city for building work at their *locus*.²⁷ The *Uscite* show that these and similar payments continued over many years. By the fourteenth century the end of each six-month term was marked by substantial outgoings in money and materials to a long list of religious houses, hermits, hospitals and other charitable causes.²⁸

There has been no detailed study of the offices of the *camerarius* and *provisores* in Siena and this is not the place to undertake one.²⁹ But the combination of surviving statutes, minutes of the Council of the Bell and account books allows us to ascertain sufficient information about the *camerarii* for our purpose. The statutes of the city underwent annual revisions (especially after 1280) and there are problems with establishing the sequence of statutory change.³⁰ Even the first surviving statute, dedicated to the officials of the city, the 'Breve degli officiali' or *Breviarium*, presents problems of interpretation, since it was first drafted in 1250 but survives in a copy which seems to have been redrafted c. 1258 as part of an attempt to re-assert the central role of the podestà over the *popolo*.³¹ It includes, unexplained,

²⁶ See for example, A. Settia, "'Pro novis inveniendis': lo spionaggio militare senese nei "Libri di Biccherna" (1229–1231)', *Archivio storico italiano*, 156 (1998) 3–23.

²⁷ *Il Constituto del Comune di Siena dell'anno 1262*, ed. L. Zdekauer (Milan, 1897), distinctio I, rubric 49, 38; on the Humiliati in Siena see P. Angelucci, 'Gli Umiliati di Siena e la chiesa del borgo franco di Paganico', *Chiesa e società dal secolo iv ai nostri giorni: studi in onore del p. Ilarino da Milano*, Italia Sacra, 30 (Rome, 1979), 261–89. In this paper, *Constituto* refers to the 1262 statutes, *Costituto* to the 1311 version in volgare.

²⁸ A great deal has been written about the almsgiving of the Siena commune, and the evidence is very substantial but see for one example ASSi Consiglio Generale Deliberazioni [Henceforth CG] 22, fo. 41r: in 1278 the Humiliati almost lost their alms because the relevant article could not be found in the statute. The Council of the Bell agreed to allow them their money 'sicut anno preterito' and four days later the article 'ad fratres et conventum humiliatorum pertinens' was published.

²⁹ Crescenzi, 'Note critiche' 531, 'manca uno studio approfondito sugli uffici del camarlengo e dei quattro provveditori'.

³⁰ See M. Ascheri, 'Statuti, legislazione e sovranità: il caso di Siena', in *Statuti, città, territori in Italia e Germania tra medioevo ed età moderna*, ed. Giorgio Chittolini and Dietmar Willoweit (Bologna, 1991), 145–94.

³¹ 'Breve degli officiali del comune di Siena compilato nell'anno mccc al tempo del podestà Ubertino da Lando di Piacenza', ed. L. Bianchi, *Archivio Storico Italiano*, third series, 3 (1866), 3–103; see also V. Crescenzi, 'Note critiche', 511–79.

two different versions of the oath of the *camerarius*. A later, undated hand, notes in the margin of the second that much of this was now missing (*multa desunt in hoc breui*).³² Any such text can only be used with caution, yet it allows us to outline the type of duties and obligations involved, many of which are entirely predictable. The *camerarius* swears to keep safe any things (*res*) that come to him and only to take receipt in the presence of at least two of the *provisores*. The parallels with the long established role of churches and religious houses as 'banks' holding valuables and documents on behalf of laymen and women are obvious. The *camerarius* is to act for the 'honour and profit of the commune of the city of Siena and its *borghi* and for the utility and affairs of the commune of the city of Siena' (*honorem et proficuum communis civitatis senarum et burgorum eius et pro utilitate et facto communis senensis civitatis*). Much of the text is simply a guide to the tasks involved: all moneys are normally to be paid over within a month; loans are to be sanctioned only with the knowledge of the *provisores* and for the lowest possible interest; profits from any *cambii* are to be paid to the commune. The same *Breviarium* also shows that at this date the *camerarius* was responsible for a wide range of city activities, including the condition of its military equipment (pavilions, bows [*balistas*], and other arms), for the cleaning out of the city's Fonte branda, for ensuring that the podestà respected his obligations towards the Opera di Sta Maria (the city hospital) and for maintaining alliances (*societates*) contracted between the Sienese and neighbouring cities. A particularly important function was to advise the podestà in judicial affairs: 'And I swear that whenever I am with the podestà concerning condemnations or elections, I will give him the best and wisest counsel (*consilium*) I know'.³³ The political circumstances of the 1250s may explain some of these duties (especially concerning condemnations and elections), but even without analysis of later statutes, this text establishes the simple fact that the duties of the *camerarius* were wide-ranging, important and potentially onerous. Other evidence confirms that they were very time-consuming. Assemblies of the Council of the Bell are documented as taking place with the knowledge and consent (*de consencia et consensu*) of the *came-*

³² Crescenzi, 'Note critiche', 528.

³³ 'Breve degli officiali', 21: 'Et iuro quod quotiescumque ero cum potestate super facte condemnationum et electionum ei melius et sanius consilium quod cognovero, dabo'.

rarius and *provisores*. They were very frequent. In the first six months of 1298 for example, there were assemblies on thirteen days in January, eleven in February, fourteen in March, eight in April, six in May and seven in June.³⁴ Preliminary meetings of the smaller Council or of the Nine also often involved the *camerarius*.³⁵

For over a century the *camerarius* had been a layman (the first is documented in 1127). Then for five years between 1257 and 1262 and again for the much longer period from 1276 until 1349, the *camerarius* was usually a religious from the city or contado. The first monk chosen was Ugone from San Galgano, a Cistercian monastery in the contado about a day's ride south west of Siena.³⁶ He had already been employed by the Sienese capitano in Monticchiello in April, August and November 1256.³⁷ Ugone held office for a total of five years between January 1257 and December 1262.³⁸ In December 1259, after his first two-year term, the question of the *camerarius* was again raised in the Council of the Bell. In the absence of the consuls of the *popolo*, the Council decided to elect another religious.³⁹ Presumably Ugone was either unavailable or ineligible and his brother Cistercian Guidotto was appointed for the first semester of 1260.⁴⁰ Ugone then returned to office from January 1261 until December 1262 after which the 'ghibelline' *Costituto* of that year marked a

³⁴ ASSi CG Delib 53.

³⁵ See for example, ASSi CG 22, fo. 34v allegato (1278).

³⁶ The classic work is A. Canestrelli, *L'Abbazia di San Galgano* (Florence, 1896). See now also Laura Neri, 'L'Abbazia di San Galgano e Siena (1181-1320): per una storia dei rapporti fra i Cistercensi e la città', tesi di laurea, Università di Siena (1991/2), supervised by Gabriella Piccinni. Neri, 6, dates the foundation to the early 1180s, while Odile Redon dates it to the early thirteenth century, and Brogini puts the start of works on the abbey complex, built in the French style, to c. 1218. See *Storia di Siena, i, Dalle origini alla fine della repubblica*, ed. R. Barzanti, G. Catoni and M. De Gregori (Siena, 1995), 28, 130.

³⁷ Neri, 'L'abbazia di San Galgano', 103-4.

³⁸ See *Libri dell'entrata e dell'uscita: Registro 25° (1257 primo semestre)* (Rome, 1942), 41; *Libri dell'entrata e dell'uscita: Registro 26° (1257 secondo semestre)*, ed. S. De' Colli (Rome, 1961), 51; ASSi MS A 87 (a modern list of *camerarii* and *provisores* which is generally, but not always, accurate).

³⁹ ASSi CG 9, fo. 13v, 18 December 1259: 'Item dictum consilium campane, absentibus consiliariis populi, fuit in concordia super electione camerarii consilium Placitorum, quod Camerarius et .iiii.or provisosores eligant unum religiosum, quem noverint esse utilem et ydoneum ad officium'.

⁴⁰ Crescenzi, 'Note critiche', 552, believed Guidotto to have been a layman but see ASSi CG 9, fo. 108v, 15 March 1260: '... a donno Guidotto monaco monasterii sancti Galgani, camerario communis senarum...'; The identity of the *camerarius* for the second semester of 1260 is unknown. See ASSi MS A 87.

reversion to lay *camerarii*.⁴¹ The sequence of records is not complete, but there then appear to have been only lay *camerarii* until 1276. In that year the office reverted to religious and San Galgano Cistercians were again appointed until 1280, when there may have been some difficulty.⁴² For three years (1281, 1282 and 1285) Vallombrosan monks from San Michele in Poggio di San Donato, north of Siena appeared as *camerarii* instead of Cistercians. This alternation became more evident from 1291, when the Humiliati first appeared, alternating with the Cistercians or an occasional Servite until 1350. Thereafter religious *camerarii* become much less evident.

The records of the Council of the Bell suggest that in the late 1250s the prior and chapter of San Galgano, if not the abbot, were well disposed towards this use of the monks. In November 1256 Ugone, the first monk 'conceded by the chapter' (initially for a year), was reluctant to take the oath of office required by city statute because he considered it contrary to his rule of life (*quia ordo suus non permittit*). This was raised in the Council, where *Iacobus iudex* reported that Ugone's prior wished him to take office. Ugone's reservations were overcome by a compromise. Rather than an oath, Ugone promised, as directed by his prior 'in the name of obedience and truth . . .', to exercise the office 'well and legally for the good state of the commune of Siena according to the form of the *Constituto*'.⁴³

⁴¹ See *Il Constituto* 1262, ed. Zdekauer, 144, distinctio I, rubric 381: 'Item statuimus quod camerarius comunis Senarum, qui pro tempore fuerit, sit camerarius laicus . . .' On the drafting of this rubric, see Crescenzi, 'Note critiche', 552–57.

⁴² See below, text at n. 51.

⁴³ ASSi CG 7, fo. 6r: 'Item cum in eodem consilio dominus Iacobus iudex Communis exponeret, quod frater Ugo ordinis sancti Galgani concessus a capitulo suo in camerarium Communis Senarum pro hoc anno futuro non vult iurare quia Ordo suus non permittit, set dominus prior Sancti Galgani vult iniungere sibi in virtute obedientie quod ipse gerat officium camarlingatus, et faciat omnia que facere debet ex forma constituti vel sui brevis ad bonum statum et honorem Communis Senarum et ideo proposuit si placebat, consilio approbando prius necessitatem, secundum formam capituli Constituti, quod reciperet dictum officium dicto modo, unde lecto in ipse [. . .] Consilio capitulo Constituti, de non mittendo aliquid ad consilium quod tangetur sacramentum potestatis, nisi, causa necessitatis, et approbatus prius per duas partes consilii et plus quod erat eiusdem necessitatis, et ideo peterat bene mitti ad consilium, totum consilium fuit in concordia et ei placuit quod dictus Camerarius admittat officium dictum dicto modo, cui vero camerario dominus . . . prior Sancti Galgani iniunxit in virtute Spiritus Sancti et obedientie, pacificum statum et ad honorem Communis Senarum et sicut continetur in Constituto vel in suo breve, priusquam idem frater Ugo adceptando dictum officium promisit in nomine obedientie et in verbo veritatis supradicte potestati facere et exercere dictum officium bene et legaliter ad bonum statum Communis Senarum secundum formam Constituti.'

We can be fairly sure that in the following year at least, the abbot was also consulted about this use of his brethren. The extant accounts for November 1257 refer to payments to messengers sent to the monastery for the confirmation of the new *camerarius* (*pro confirmatione camerarii novi*).⁴⁴ Later statutes confirm that if the man chosen were from the monastery of San Galgano, the *provisores* should ensure that the abbot instructed his monk to carry out the office.⁴⁵ Thus, as Trexler deduced for Florence, the city drew on the obedience owed by a monk to his abbot as a guarantee that the task would be properly fulfilled.

When the *camerarius* was a monk from San Galgano, his duties required him to reside and work at some distance from his abbey and he was provided with somewhere to live. Late in 1256 Ugone was asked where this should be, with whom and how much he wished to be paid. According to the minutes of the Council of the Bell, he said he would willingly (*libenter*) live at San Pellegrino or nearby and that he wanted one *socius* and one servant, but that he would be satisfied with whatever salary or expenses the Council of the Bell should choose to award him. The commune decided that he should keep account of his expenses and be refunded at the end of each six months up to a maximum of sixty lire. It was then agreed that he be given a house in the neighbourhood of San Pellegrino which had belonged to a man named Salsedonius (Sansedoni). The present occupants were to be asked or, if necessary, required to leave. Four days later, the podestà ordered a man named Pietro Riccomanno to vacate the house within a week.⁴⁶ Riccomanno may never have left, for in the following year Ugone was living in a house with a shop (*domus et apotheca*) conveniently near the church of San Pellegrino, belonging to a man named Risalito Giovanni who was paid rent by the city.⁴⁷ Ugone himself took varying sums as 'expenses' each

⁴⁴ *Libri dell'entrata e dell'uscita: Registro 26° (1257 secondo semestre)*, 151: 'Item xvii sold. Ranerio Russi, castaldo comunis Senensis, pro suo salario unius diei, quando ivit cum illis tribus qui fuerunt suspensi, et pro duobus diebus, cum ivit ad Sanctum Galganum, pro confirmatione Camerarii novi et pro vectura unius equi', and 152: 'Item iiiii. sold. Lamberto Panti, nuntio potestatis pro suo viaggio duorum dierum, quando ivit cum Ranerio Russi ad Sanctum Galganum, occasione camerarii novi'.

⁴⁵ *Il costituito del comune di Siena, volgarizzato nel mcccix-mcccxi*, ed. M. Salem Elsheikh, 4 vols (Siena, 2002) i, 60, distinzione 1, c. 53.

⁴⁶ ASSi CG 7, fo. 9v.

⁴⁷ *Libri dell'entrata e dell'uscita: Registro 26° (1257 secondo semestre)*, 172: 'Item xl sold. Risalito Iohannis, pro complimento pensionis sue domus et apotece ipsius domus,

month, but the amounts paid seem quickly to have become regulated at monthly rates, including 15 lire for clothing and footwear for each term.⁴⁸

These convenient arrangements may have become more controversial in later decades. By 1276 the statute of 1262 reinstating a lay *camerarius* had been reversed and as we have seen, the Cistercians returned to office. Again one monk, Bartolomeo of San Galgano, held office for three years (1276–8), and was then replaced by his brothers Giovanni in 1279 and Guido in 1280.⁴⁹ As with Ugone, Bartolomeo may already have undertaken other duties for the city before becoming *camerarius*.⁵⁰ In December 1280 however, this regular use of its monks became a problem for San Galgano.⁵¹ The minutes

in qua moratur donnus Ugo, camerarius communis Senensis, secundum formam Consilii Campanie . . . quos habuit pro eo donnus Ugo, camerarius communis Senensis'; *Libri dell'entrata e dell'uscita: Registro 28° (1258 secondo semestre)*, ed. S. De' Colli (Rome, 1965), 98: 'Item vi. libr. Risalito Iohannis, pro pensione domus in qua moratur donnus Ugo, camerarius communis Senensis.'

⁴⁸ *Libri dell'entrata e dell'uscita: Registro 26° (1257 secondo semestre)*, 108, 113, 126, 146: he received 10 lire in expenses for July and August, 20 further soldi in August, 4 lire in September, 15 lire in October–November. By contrast, in 1258 he received 100 soldi per month 'pro suo feudo et expensis'; see *Libri dell'entrata e dell'uscita: Registro 28° (1258 secondo semestre)*, 24, 38, 52, 69, 88 and 109. In 1259 he was paid an average of 4 lire a month: *Libri dell'entrata e dell'uscita: Registro 29° (1259 primo semestre)*, 22, 44, 64, 100.

⁴⁹ ASSi MS A 87.

⁵⁰ ASSi Biccherna 62, fo. 23r: 'Item xxxvi soldi bartolomeo galgani de mandato xxxvi pro officio q. habebat tempore domini storie.'

⁵¹ ASSi CG 24, fo. 10v: 'In nomine domini amen. Factum est generale consilium communis ab illustri et magnifico viro domino Matheo de Rubeo de filiis Ursi dei gratia potestate senarum, choadunato in palatio filiorum Jacobi de platea posito in Galgaria, ad sonum campane et per bannum missum ut moris est, in quo proposuit et consilium petiit quod, cum ex forma statuti senarum, commune senarum teneatur habere camerarium religiosum de ordine sancti Galgani et pro eodem habendo abbas et conventus sancti Galgani litteris et ambassatoribus communis pluries fuerint requisiti et rogati, et denegaverint omnino dictum camerarium non habere nec posse concedere communi senarum et per generalem consilium fuerit firmatum ultima vice quod, si litteris et precibus communis et ambassatoris haberi non possit, quod in dominos quindecim gubernatores et defensores communis et populi senarum esset remissum de habendo camerario supradicto et per ipsos quindecim sit provisum quod ad generale consilium communis fieri debeat et in eo proponatur de assignanda et approbanda necessitate et evidenti utilitate pro communi senarum de habendo aliunde camerario supradicto, lectis primo capitulis statuti que loquuntur de electione dicti camerarii facienda et de necessitate et evidenti utilitate approbanda, scripta prius de predictis imposita apud palatium domini potestatis, de scientia et assensu camerarii et .iiii. or visorum communis senarum, secundum formam statutorum, quod, si vobis videtur necessaria et probabilis causa et evidens necessitas vel quod vobis videtur utilius pro communi in dei nomine consulatis. In

of the *Consilium communis* presided over by the podestà Matteo Rosso Orsini, record that it was now a matter of statute that the *camerarius* should be a religious *de ordine sancti galgani*. Numerous letters and ambassadors of the commune had been sent to the abbot and convent, but no *camerarius* had been supplied (*omnino dictum camerarium non habere nec posse concedere communi senarum*). The issue had therefore been referred to the fifteen 'governors and defenders' of the commune and *popolo* of Siena who had decided to look elsewhere for their next *camerarius*. This decision was approved and as we have seen, a Vallombrosan monk from Poggio San Donato is to be found as *camerarius* in 1281 and 1282. The Cistercians returned only in 1284, but by that date the statute calling for a Cistercian *camerarius* had presumably been changed.⁵² By 1297 it required only that the *camerarius* should be a religious of the city or contado (*religiosus de ciuitatis uel comitatu*) and this was the requirement inserted in the statutes translated into *volgare* in 1309–10.⁵³ A reference to the Cistercians did however survive in 1309–10, suggesting that the city continued to prefer their brethren as *camerarii*.

In 1290 a different problem arose. In February it was reported to the Council that there was nowhere secure in the city in which to house the books and money of the *camerarius*. As a result it was decided that statute should be overruled and the *camerarius* (then Andrea of San Galgano) be allowed to reside in property of the Opera di Sta Maria.⁵⁴ The reasons for this housing crisis or for the earlier statute preventing residence in the Opera are not revealed.

According to the *Costituto* of 1309–10 the maximum payment to the *camerarius* and his companion and servant had been (re) established as ten lire a month in 1293, but in practice the payments did vary.⁵⁵

nomine domini amen. Dominus Nerius iudex consuluit et dixit quod est evidens et necessaria et probabilis causa et evidens necessitas pro communi quod camerarius habeatur aliunde, quia de ordine sancti Galgani postquam modo haberi non potest, et quod mittatur ad consilium. Consilium fuit in concordia cum dicto domini Nerii.'

⁵² The identity of the *camerarius* in 1283 is unknown. See ASSi MS A 87.

⁵³ ASSi CG 53, fos 115r–v. *Il Costituto del comune 1309–10*, ed. Elsheikh, i, 60, distinzione 1, c. 53.

⁵⁴ ASSi CG Delib. 39, fo. 27r. Also discussed in Neri, 'L'abbazia di San Galgano', 103. For the statute see *Il Costituto del comune 1309–10*, ed. Elsheikh, i, 74, distinzione 1, c. 60.

⁵⁵ See above n. 48; *Il Costituto del comune 1309–10*, ed. Elsheikh, i, 101–2, distinzione 1, c. 104; See also Bowsky, *The Finance*, 7, who cites other relevant statutes: ASSi, Statuti 26, fo. 42r.

In June 1291, fra Bernardo of the Humiliati, the first member of the order documented as *camerarius*, was paid forty-eight lire for six months (*pro suo salario vi mensium*).⁵⁶ The customary payment of fifteen lire for clothing (*pro suo vestimentis secundum consuetudinum aliorum camerariorum quatenus fuerint ad officium predictum*) was annulled by the auditors (*approbatores*) appointed to check the books (an annulment which was reiterated in the 1309–10 statute).⁵⁷ By contrast, in 1294, Matteo Ildebrandini a monk of San Galgano, received the full monthly salary of ten lire with fifteen lire for a hood ‘according to tradition’ (*pro una cappa pro suo vestimento secundum modum consuetum*).⁵⁸

The choice of a regular cleric to run the Biccherna was not based on a lack of financial skills in the city. Siena in the thirteenth and fourteenth centuries was famous for its bankers and financial expertise. There cannot have been a dearth of laymen in Siena with the necessary literacy and financial skills to keep the accounts of the Biccherna. So we can agree with Trexler that a city might choose religious to look after their accounts because in a world plagued with fears of financial or political corruption they were both more easily coercible (through their superiors) and, as William Bowsky, the historian of Siena under the Nine puts it, ‘hopefully, less subject to the temptations of speculation’.⁵⁹ Certainly this is reflected in the terminology of the registers: ‘This is the book of expenses made by the religious and honest man (*religioso et honesto viro*) dominus Guidone, monk of the monastery of San Galgano . . .’⁶⁰

Yet undoubtedly more than honesty and financial skills was required. The minutes of the Council of the Bell for June of 1298 specify the sort of man they were looking for: he was to be a religious with sufficient legal knowledge to be helpful to the affairs of the commune (*qui legale sufficientem et utilem pro communis sen[ensis] negotiis cognouerint*). This of course echoed the language of the oath recorded in the

⁵⁶ In the following year, Guido received 7 lire and 10 soldi for three weeks pay while his famulus received 3 lire for three months. ASSi Biccherna 107, fos 140r, 156v, 236r (this compares to the 25 lire paid to Master Bandino de Arezzo ‘doctor artis gramatice’ as half his salary for the year. Ibid., fo. 233v).

⁵⁷ ASSi Biccherna 104, fos 110r, 112r; *Il Costituto del comune 1309–10*, ed. Elsheimh, i, 101, distinzione 1, c. 104.

⁵⁸ ASSi Biccherna 110, fos 105r, 113r, 123r, 130r, 140v, 151r, 163r.

⁵⁹ Bowsky, *The Finance*, 7.

⁶⁰ ASSi Biccherna 107, fo. 140r.

Breviarium. It may not be simply formulaic, however. Over 100 years ago Canestrelli drew attention to the pursuit of legal studies by monks of San Galgano and their possession of a library of legal texts, given to them in 1262.⁶¹ It may well be that men such as Ugone of San Galgano and his successors combined financial probity with legal skill.

Raoul Manselli, who wrote a brief article on the Humiliati as woolworkers, also discussed their office holding. He underlined their honesty and experience but also adopted the view first put forward by Luigi Zanoni in 1911 that their membership of a religious community might be relevant to their office holding because eventual losses could be recovered from the goods and property of the convent.⁶² Trexler and Bowsky naturally approach the issue from the perspective of the city. It is perhaps more surprising that Manselli did the same. But none of these historians gives due weight to the extraordinary nature of this situation if viewed in explicitly ecclesiastical terms. Of course the Cistercians were very effective entrepreneurs⁶³ and the Humiliati were known in Tuscany as wool workers.⁶⁴ These were hardly hermit orders. But it remains worth asking: what led the prior of San Galgano to be keen that his brother monk should be *camerarius* in Siena or the Humiliati to accept involvement in the daily routine of financial management in the city?

One simple answer is that there might be benefits accruing to the religious community. A rural monastery such as San Galgano may have profited from being closely bound to the city. The *Costituto* of

⁶¹ Canestrelli, *L'Abbazia di San Galgano*, 16, 125.

⁶² R. Manselli, 'Gli Umiliati, lavoratori di lana', in *Produzione, commercio e consumo dei panni di lana (nei secoli XII-XVIII)*. Atti della seconda settimana di studio, Prato, 1970, ed. M. Spallanzani, 2 vols (Florence, 1974), ii, 231-36. Zanoni, *Gli Umiliati nei loro rapporti con l'eresia, l'industria della lana ed i comuni* (Milan, 1911), 219.

⁶³ On the Cistercians as entrepreneurs, see Constance H. Berman, *Medieval Agriculture, the Southern French Society and the Early Cistercians: a study of forty-three monasteries* (Philadelphia, 1986); Constance B. Bouchard, *Holy Entrepreneurs. Cistercians, knights and economic exchange in twelfth-century Burgundy* (Ithaca, 1991); Reinhard Schneider, *Vom Klosterhaushalt zum Stadt- und Staatshaushalt: der zisterziensische Beitrag* (Stuttgart, 1994). On the Humiliati see Zanoni, *Gli Umiliati* and Andrews, *The Early Humiliati*.

⁶⁴ The statutes of Perugia of 1279 record that the Humiliati, 'qui faciunt pannos in Lombardia', were invited to the city 'ut drappariam faciant,' Perugia, Archivio di Stato, Statuti 1, fos 30v-31r, cited by Angelucci, 'Gli Umiliati', 268. In Florence they were also closely involved in the wool industry, with drying sheds on the opposite bank of the Arno from their house at Ognissanti. See also *Il Costituto del comune 1309-10*, ed. Elsheikh, i, 38, distinzione 1, c. 15.

1262 includes a promise to defend the monastery and its possessions, and to inform neighbours that the community would be protected just like 'our own citizens', *tanquam proprios cives nostros*.⁶⁵ This was to be publicly reiterated in the city each August on the eve of the Assumption. By the end of the century this protected status seems to have become still more emphatic. The monastery is described as the 'house and monastery of the city' (*propria domus et monasterium communis senensis*).⁶⁶ There is some evidence that this protection may have been acutely necessary. In the *Costituto* of 1309, it is linked to the particular danger of the area in which the monastery stood, 'because of the fighting and the troublemakers who live in those parts'.⁶⁷ What this special status seems to have meant in fiscal terms was virtual exemption from payment of gabelles and other taxes, a powerful incentive to gift giving by the laity.⁶⁸ Yet such protection and fiscal generosity would probably have been afforded without the contribution of Cistercian monks in city administration. The same exemption from gabelles was after all extended to the major hospitals and religious orders of the city in 1292.⁶⁹ Moreover, protection was included in the *Costituto* of 1262 which re-instated the lay *camerarius*, while the creation of the community as the *domus propria* of Siena came ten years after the city had given up insisting exclusively on San Galgano *camerarii*. It is perhaps more likely that the Sienese

⁶⁵ *Il Costituto 1262*, ed. Zdekauer, 49, distinctio I rubric 103: 'Et custodiam et salvabo monasterium Sancti Galgani et bona et possessiones ipsius, ubicumque positas. . . et quod ad inquisitionem domini abbatis Sancti Galgani significabo per bonum nuntium et litteras meas expensis abbacie, dominis et populis terrarum, prope quas possessiones eorum sunt site, quod abbatia dicta et bona ipsius sunt sub protectione et defensione comunis Senarum, et preces affectuosas porrigam eis, ut molestiam aliquam sibi vel in bonis suis non inferant, quoniam eos tanquam proprios cives nostros tenemur adiuvare et defendere ab iniuriabus [sic] suis. . .'

⁶⁶ ASSi CG 39, fos 75r–76v (c. 1289) 'Quod cum monasterium sancti Ghalghani sit propria domus et monasterium communis sen. et conuenit ipsam monasteria esse et sit in protectione ipsa communis sen.' Canestrelli dates this to 1290, *L'Abbazia di San Galgano*, 19.

⁶⁷ *Il Costituto del comune 1309–10*, ed. Elsheikh, i, 43, distinzione 1, c. 28: 'Anco, conciosiacosaché lo monistero di Sancto Galgano sia fatto in tali parti, che per le guerre et per li malefattori e' quali in quelle parti dimorano, et molto spessamente sostengano et patiscano molti et grandi gravamenti e danni. . .'. See also Neri, 'L'abbazia di San Galgano', 105.

⁶⁸ See S. Epstein, *Alle origini della fattoria toscana. Lo Spedale della Scala di Siena e le sue terre* (Florence 1986), 14–15, citing ASSi Gabella Contratti 1, rubric 103 fos 51v–52.

⁶⁹ Epstein, *Alle origini*, 14.

hoped to guarantee the loyalty of San Galgano because the monastery stood on a frontier with the lands of the Ardengheschi and Aldobrandeschi, longstanding enemies of the commune.⁷⁰

Protection may have been important to the Humiliati in the 1290s, but any link is still less easy to document. The order had arrived in Siena some time before 1256 and enjoyed support from the commune for the construction of its convent and church dedicated to San Tommaso, in the Terzo di Camollia.⁷¹ The church was still undergoing construction in the fourteenth century but was sufficiently complete in 1293 for a burial to be planned there.⁷² There is no sign that communal alms changed or increased in response to the appointment of Fra Bernardo as *camerarius* in 1291 or any evidence for particular protection. In 1292 however, the city's long planned *borgo franco* at Paganico was finally begun and responsibility for the church to be built there was entrusted to the Humiliati.⁷³ Is it a coincidence that the first documented *camerarius* from the order had held office in the previous year?

As we have seen, the officials of the Biccherna enjoyed close working ties with the governing elite: entries in the account books regularly state that payments were made 'by authorisation of the lords Nine.'⁷⁴ In the absence of the podestà or the *provisores*, the *camerarius* might preside over meetings of the Council of the Bell or act as one of the vicars of the podestà.⁷⁵ Even when not chairing the Council, the *camerarius* occasionally directed the course of discussions. Thus in September 1278 a proposal concerning the payment of debts to the abbey of San Salvatore del Monte Amiata, put forward by a monk Giovanni of San Galgano was adopted by a meeting of the Priors and Council of Thirty-Six and put to the Council of the Bell.⁷⁶ Office gave opportunities to speak on financial affairs. Nor was the

⁷⁰ I am very grateful to Mario Ascheri for drawing my attention to this point.

⁷¹ See Angelucci, 'Gli Umiliati', 265–72.

⁷² Ibid. 266.

⁷³ The borgo was planned by 1262, when it was intended that it be done quickly: 'ut burgus fiat . . . et magis cito. . .'. See *Il Constituto 1262*, ed. Zdekauer, 383, distinctio 3, rubric 152. See also Angelucci, 'Gli Umiliati'.

⁷⁴ Bowsky, *The Finance*, 57.

⁷⁵ See for example, ASSi CG 9, fo. 108v and 37, fo. 81r; see also Bowsky, *The Finance*, 87.

⁷⁶ ASSi CG 22, fo. 34v allegato: 'In nomine domini Consilium priorum et xxxvi. Auditis prepositis ipsefacti consilio per discretum virum fratrem Iohannem monachum monasterii sancti Galgani de facta pecunie . . .'

voice of a monastic *camerarius* necessarily restricted to finance. On 4 October 1311, the Council of the Bell debated the appropriate response to recent stories of a conspiracy within the city. The *camerarius*, *religiosus et prudens vir frater Bernardus de ordine fratrum humiliorum conuentus senensis*, opened the meeting by proposing that in the interests of peace no action should be taken against the conspirators because of other more pressing concerns:

because of the circumstances and the great novelties that are continually seen to proceed and the greater ones in the offing, especially in the province of Tuscany, which desire and require great remedies and opportune counsels and deliberations and provisions for the defense of the liberty of persons and goods and for the conservation of the peaceful state of the aforesaid [commune], in which matters it is not possible to move conveniently unless there is complete unity and concord between all the men of the commune of Siena.⁷⁷

The great novelties to which fra Bernardo referred were the appearance in Italy of the German emperor, Henry VII of Luxemburg, and the crisis which this had provoked.⁷⁸ In the autumn of 1311 Siena was in the midst of negotiations and preparations to oppose Henry, having joined the Guelf league reconstituted by Florence. Fra Bernardo's proposal was made with the approval of the Lords' Nine, the 'defenders and governors of the commune'. It was accepted.

Bernardo may have been an unusual *camerarius* since there are references to him later that year as 'religiosus discretus et sapiens vir', an elaboration on the more usual, 'religiosus vir' or 'religiosus et prudens vir' of the Council minutes.⁷⁹ But taking office provided any *camerarius* with opportunities to have a voice in the city. This may also have operated on a smaller, more overtly pastoral scale. The

⁷⁷ ASSi CG 79, fo. 106v: 'propter conditiones et magnas Nouitates que continue uidentur procedere et parari maiores maxime in provincia Tuscie que desiderant et requirunt magna Remedia et oportuna Consilia et deliberationes et provisiones pro defensione libertatis personarum et bonorum et pro conseruatione pacifici status ante dicti in quibus commodè intendi non potest nisi unitas et concordia sit intotum inter homines uniuersitatis communis sen...'; translation modified from W.M. Bowsky, 'The Anatomy of Rebellion in fourteenth-century Siena: from commune to signory', in *Violence and Civil disorder in Italian Cities, 1200-1500*, ed. Lauro Martines (Berkeley, 1972), 229-72, 241-42. I am very grateful to Kate Jansen for first drawing this reference to the Humiliati to my attention.

⁷⁸ On Henry see W.M. Bowsky, *Henry VII in Italy: the conflict of empire and city-state, 1310-1313* (Lincoln, 1960).

⁷⁹ ASSi CG 79, fos 142r, 145r.

Entrata of the Biccherna for August 1257 show that Ugone of San Galgano paid forty-one soldi and eight denari to the *provisores*, money which he declared he had received from 'a certain man who had it from the property of the commune, as he ought not to have done'.⁸⁰ Investigation of misappropriation of funds was a requirement of office,⁸¹ but the parallels with the restitution of ill-gotten gains by religious and other clergy stipulated in many wills in this period, are evident. By the same token, in times of famine (*maxime karestia*) such as the winter of 1297, the *camerarius* shared *ex officio* responsibility for distributing alms to the *pauperes et miserabiles*.⁸² Such activities might be attractive to a thirteenth-century religious and not just the reform-minded. Yet office-holding cannot have been determined by such incidental opportunities. The Council often acted in response to petitions from *religiosis viris et fratribus* concerning provisions for the poor or prisoners (as well as alms to their own houses) without those religious necessarily providing *camerarii*.⁸³ Such petitions were part of the routine of government. In April 1294 for example, the Biccherna paid out two soldi on wine consumed by Franciscan, Dominican and Augustinian Hermit Friars while they were choosing prisoners to be released.⁸⁴

Moreover, undertaking this sort of public role cannot always have been easy or attractive and the religious involved, like their lay contemporaries, may not always have been keen. Ugone of San Galgano's reluctance to take the oath until instructed by his prior and a compromise had been reached, may reflect a more general unease about what the job entailed. The financial risks were not simply theoretical. In Parma in 1264 the commune had to agree to compensate the Humiliati in the city for the loss of eighteen lire which they had been forced to lay out from the funds of their house while 'in the service of the commune in the treasury' (*stando in servizio communis*

⁸⁰ *Libri dell'entrata e dell'uscita: Registro 26° (1257 secondo semestre)*, 20.

⁸¹ Crescenzi, 'Note critiche', 538 and n. 55.

⁸² For example, ASSi CG 51, fos 54v, 57v, 59r.

⁸³ Examples are scattered throughout the records of the Council, but see for example, ASSi CG 53: in March-May 1298, the Council dealt with petitions either from or concerning religious as follows fo. 90r 'pro carceratis', fos 92v-93r 'pro fratribus predicatoribus', fos 102r-103r 'pro fratribus humiliatis', fo. 107r 'pro fratribus predicatoribus et fratribus minoribus', fo. 108r 'pro fratribus sancti augustini', fo. 110r 'pro fratribus heremitis'.

⁸⁴ ASSi Biccherna 110, fo. 127v (21 April).

Parmae ad cameram Communis).⁸⁵ Moreover, this involvement made the individual religious subject to the whim of the Council and of the *approbatores*. They were required to undergo syndication just like other officials,⁸⁶ and being subject to election was not necessarily attractive. From July of 1296 the office of *camerarius* of the Biccherna was (unusually) alternating between fra Tomasino and fra Mafino of the Humiliati. In November, the four *provisores* proposed that Mafino should continue in office for six months from the following January. This was opposed by Federico Tolomei, a member of one of the key *casate* of the city and himself an experienced office holder (including as one of the four *provisores*).⁸⁷ His objection won the unanimous support of the Council.⁸⁸ The reasons for Federico's dissent are obscure. Five years earlier he had been one of the *approbatores* who annulled a payment to the Humiliati *camerarius* fra Bernardo for his *cappa*,⁸⁹ but it seems unlikely that his objections concerned either Bernardo and Mafino's membership of the Humiliati or their religious status. It is more likely to have been based on a statute referred to in opening the discussion: that no *Camerarius* might return to office for at least a year.⁹⁰ Mafino was in practice replaced by fra Bernarduccio of the same order.⁹¹ Unless there were two brothers of the same name, Mafino himself was to return to the job in 1308, and in 1310 was entrusted with fifteen lire to be spent on a chasuble for use at the altar of the Lords' Nine.⁹²

⁸⁵ Zandoni, *Gli umiliati*, 219, now also discussed in C. Bruschi, 'Gli Umiliati a Parma (XIII–XIV sec.): instaurazione e sviluppo di rapporti molteplici', *Rivista di Storia e Letteratura Religiosa*, 36 (2000), 209–38, at 230.

⁸⁶ For example, ASSi Biccherna 110, fo. 163r.

⁸⁷ On Federico di Rinaldo Tolomei see Roberta Mucciarelli, *I Tolomei Banchieri di Siena. La parabola di un casato nel XIII e XIV secolo* (Siena, 1995), 60.

⁸⁸ ASSi CG 50, fos 83r–v.

⁸⁹ See text above at note 57.

⁹⁰ ASSi CG 50, fo. 83r: '... quod loquitur et camerarius communis sit religiosus de ciuit. uel comitatu sen. secundum provisione dominorum nouem cuius officii daret per vi mensses [sic] et q. in ipso officio fuerit uel fuit non possit esse ad idem officium exercendum ab exitu sui officii ad unum annum ex reformatio uel stanziamento consilii campane communis senarum uel dominorum nouem uel aliorum officii dicti communis et cetera.'

⁹¹ ASSi MS A 87.

⁹² ASSi MS A 87 and Biccherna 123, fo. 191r.

Conclusions

Judging by the terminology used to describe them, the *camerarii* discussed here were fully professed regulars: Cistercian choir monks or members of the First or Second order of the Humiliati. However Siena's statute makers, as in other cities, were not insistent that all office holding religious must be fully professed 'regulars'. *Mantellati* or other lay penitents had often occupied administrative roles before the city turned to the Cistercians and they continued to do so thereafter,⁹³ even working alongside the *camerarius* in the Biccherna.⁹⁴ *Honestas* was not exclusive to religious. In the late 1280s for example, the *camerarius religiosus* responsible for gabelles on wine was to be replaced with a *homo penitentie uel honeste uite*.⁹⁵ The key position of *camerarius* of the Biccherna was not however, as far as we know, ever entrusted to such lay penitents in this period.

The evidence from Siena enlarges the evidential basis for Trexler's conclusions and allows us to nuance some of them. Trexler rejected the idea that the use of clerics in administration and government in Florence should be linked to the power or impotence of particular regimes.⁹⁶ The fact that the first religious *camerarius* in Siena was appointed in the late 1250s, when the city of Perugia was also debating which order to appoint, might indicate some more general trend in the history of central Italian governmental practice. At the current state of research however, this seems equally likely to be coincidental. Cistercians had long been called on to undertake duties beyond the cloister, while the earliest reference [so far] to a Humiliatus being used for communal office is a mill supervisor (*massarius molendinorum*) in Cremona in 1234.⁹⁷ What can be said for the case of the *camerarius* of Siena is that the origins of the practice date to a period when the podestà was in ascendance. 1258 saw revision of the offices of *provisores* and *camerarius* closely linked with the rise of the *popolo*. Odile Redon proposes a link between the use of Cistercians and the

⁹³ See for example, *Libri dell'entrata e dell'uscita: Registro 28° (1258 secondo semestre)*, 40, 54–6.

⁹⁴ *Il Costituto del comune 1309–10*, ed. Elsheikh, i, 61, distinzione 1, c. 53.

⁹⁵ ASSi CG 37, fo. 35r (c. 1289).

⁹⁶ Trexler, 'Honor among thieves', 319.

⁹⁷ On the Cistercians, see Schneider *Vom Klosterhaushalt*. For the Humiliati in 1234 see Zanoni, *Gli Umiliati*, 223.

emergence of the Council of the *popolo* and *capitano* from 1253.⁹⁸ Yet in 1259 when the Council chose to repeat its experiment with a religious *camerarius* this was in the absence of the consuls of the *popolo* and at a time when Siena was allied with Manfred. The return to lay *camerarii* in 1262 may be linked to the 'ghibelline' character of this statute, but the victory of the pro-papal alliance in the city in the late 1260s was not marked by a return to religious *camerarii*. Reversion to religious in 1276 does not appear to coincide with any particular change of alliance in the city. It may be that the use of religious in office was at first a 'guelf' practice, initiating a method which later became widespread. However, just as the office of podestà first introduced by Barbarossa quickly became a widespread practice without particular political connotations, so the long term use of regular religious as *camerarii* in Siena, whatever its origins, does not appear to be identified with a faction or *pars*.

Manselli, who was convinced of the low social status of the Humiliati, suggested that it may have been important that they were detached from the ruling groups of the Commune.⁹⁹ Bowsky took the same approach, suggesting that the religious were perhaps 'distant from any direct relations with the Sienese families that held high offices'. The *camerarius* might act as a check on the activities of the *provisores*.¹⁰⁰ This distance might well help them appear objective, but the assumption on which it is based may be an illusion resulting from our ignorance about individuals. Recent work on the Humiliati has identified them as coming from all social classes, with a substantial number of the 'middling group' but also numerous individuals from wealthy families, citizen and noble.¹⁰¹ In Siena, as elsewhere, it is not easy to identify many of the religious involved, since by profession they divested themselves of family identity and adopted that of their order. Very occasionally we have a family name (Matteo Ildebrandini in 1294 or Bartolomeo Alessi in 1278, who was to be abbot of San Galgano 1306–9, for example),¹⁰² but this is the exception to the rule and probably reflects the fact that these two were from families

⁹⁸ Odile Redon, in *Storia di Siena* i, 28.

⁹⁹ Manselli, 'Gli Umiliati, Lavoratori di lana', 234.

¹⁰⁰ Bowsky, *The Finance*, 7.

¹⁰¹ Summarised in Andrews, *The Early Humiliati*, 29–32.

¹⁰² For Matteo, see above, n. 58; see also Neri, 'L'Abbazia di San Galgano', 48.

in the list of magnates.¹⁰³ Thus we cannot say whether most of the individuals chosen as *camerarii* came from low or high status families, from among *i Noveschi* or from those 'excluded'. But, as Bowsky acknowledged,¹⁰⁴ it is very likely that many of them were originally Sieneese and this evidence for two of them, from the community which was the first choice of the city, confirms that at least some of them were of high status.

In Perugia in 1259 the selection of the treasurer was between three orders of Friars and the Cistercians. Perhaps this simple statement should discourage further speculation about the choice of individual orders. Any one of these would be acceptable. Nor does the case of the Biccherna of Siena make it any easier to generalise. The original preference was for the Cistercians, but when these were unavailable, Vallombrosans and Servites were also used, and above all the Humiliati. The parallels between the most frequently used brethren, the Humiliati and the Cistercians, have long been recognised.¹⁰⁵ But these orders were also acknowledged by contemporaries to be very different. In the context of Siena this can be demonstrated most easily by reference to the almsgiving practices of the commune at the end of each six-month term. Whereas the Cistercians and Vallombrosans were not included presumably because their landed wealth was very substantial,¹⁰⁶ the new orders of the thirteenth century *par excellence*, the Dominicans, Franciscans and Augustinian Hermit Friars received very substantial alms, followed in varying sequence by the Servites, Friars of the Sack (even after suppression) and the Humiliati.¹⁰⁷

When this problem is approached from the perspective of the orders themselves, it becomes important to distinguish between 'extraordinary' interventions—such as providing scrutineers or ambassadors—and long-term commitments such as the office of *camerarius* discussed here. As we have seen, friars were used as scrutineers in elections or as ambassadors.¹⁰⁸ Their buildings, like those of other

¹⁰³ I am very grateful to Mario Ascheri for this information.

¹⁰⁴ Bowsky, *The Finance*, 7.

¹⁰⁵ See for example, Andrews, *The Early Humiliati*, 9, for fourteenth-century evidence.

¹⁰⁶ San Galgano is a very rich land owner in the Tavola delle possessioni of 1318–1319. See also Canestrelli, *L'Abbazia di San Galgano*, 25–37.

¹⁰⁷ For example ASSi Biccherna 104, fos 101r–102v.

¹⁰⁸ For a brief outline of the relations between commune and mendicants in Siena, based on printed sources, see Brigitte Szabó Bechstein, 'Sul carattere dei

religious throughout the Middle Ages, were often used for official business or for storing valuables (and particularly books). Thus in Siena in 1240 the Dominicans were entrusted with the key collection of city documents, the *Caleffo Vecchio*,¹⁰⁹ despite their own constitutions prohibiting this sort of involvement. In 1257 we find both the Franciscans and Dominicans accommodating the tax assessors (*allibratores*), while in 1258 Orlandino, prior of the Dominicans, acted as ambassador *in servitio communis* in Perugia, Viterbo and at the papal curia.¹¹⁰ Mendicant Friars seem to appear less often (if at all?) undertaking tasks which involve longer term commitment or subjection to scrutiny. It may be that for the city it was a question of 'who could be had' rather than who might be preferred and some orders may have been more vulnerable to pressure than others. The Dominicans, with their commitment to daily attendance at the convent school and emphasis on higher learning, may have found it easier to exclude themselves.¹¹¹ The *Bullarium Franciscanum* contains numerous letters showing the popes intervening on behalf of penitents to protect them from the demands of office, but none for the Franciscan Friars themselves.¹¹² As we have seen, there is evidence from Siena and from other cities that the religious were not always keen to undertake these tasks, either as individuals or as communities. In 1249 the Humiliati of the Brera in Milan petitioned the pope because brethren had been transferring to other orders (unfortunately unspecified) so as to avoid having to take on *diversa officia* imposed by the commune (and also, which complicates matters, by the papal legate).¹¹³ This implies that the fugitives considered the Humiliati more likely to be

legami tra gli ordini mendicanti, la confraternita laica dei penitenti ed il comune di Siena nel duecento', in *Les ordres mendiants et la villes en Italie centrale (v. 1220–v. 1350)*, *Mélanges de l'École française de Rome*, 89 (Rome, 1977), 743–47.

¹⁰⁹ Szabó Bechstein, 'Sul carattere', 745.

¹¹⁰ *Libri dell'entrata e dell'uscita: Registro 26° (1257 secondo semestre)*, 177, 183, 185; *Libri dell'entrata e dell'uscita: Registro 28° (1258 secondo semestre)*, 12, 24, 53–4, 57, 140, 147, 153.

¹¹¹ See M.M. Mulchahey, 'First the bow is bent in study . . .' *Dominican Education before 1350* (Toronto 1998), 133.

¹¹² For example, *Bullarium Franciscanum Romanorum pontificum constitutiones, epistolas, ac diplomata continens tribus ordinibus minorum, clarissarum et poenitentium*, ed. J. Sbaralea, vols 1–2 (Rome 1759–1761) i, 30 (1227), 39–40 (1228), 71 (1231), 99 (1233), 532 (1249), ii 42 (1255).

¹¹³ Biblioteca nazionale di Brera, MS AD XVII/23; Andrews, *The Early Humiliati* 274, no. 70.

called on than other communities. It seems likely that the Dominicans and Franciscans fell into the latter category. In 1280 in Siena, the Cistercians also successfully refused to supply a *camerarius*. Yet they returned to office four years later and continued to provide *camerarii* long into the fourteenth century. There is a papal letter objecting to the excessive burdens placed on the *fratres de poenitentia* in Siena in 1239,¹¹⁴ but there seems to be no reference to resistance to the use of Humiliati or Cistercians in Siena either from the papal court or from the general superiors of either order.¹¹⁵

A fruitful approach must be, *pace* Zanoni, Manselli, Bowsky and Trexler, to explore local connections. In view of their role in the choice of *camerarius*, it may be that the patronage of the *provisores* was important in deciding which order or individual to approach. The Tolomei family, themselves frequent office holders, for example, were the main patrons of the Servites, donating land in the contrada di San Clemente for the construction of their church.¹¹⁶ Were there similar ties of patronage for the Cistercians or the Humiliati? The archives of the Humiliati in Siena do not survive and their church was destroyed in the nineteenth century to make way for the road leading to the station, but a list of burials there drawn up in 1600 gives some idea of the families who may have been involved. Of these the Bonsignori and the Salimbeni are the most likely to have been patrons of a thirteenth-century community such as the Humiliati of San Tommaso.¹¹⁷ A recent study of the Salimbeni mentions no connection with the Humiliati;¹¹⁸ more work will need to be done to establish whether there may have been links with the Bonsignori, the papal bankers of the period.

Despite evidence for reluctance on the part of some religious, the enthusiasm of the prior of San Galgano in 1257 authorises us to hypothesise that for some communities or individual religious in Siena, this was an attractive opportunity. On the basis of evidence

¹¹⁴ Cited in Szabó Bechstein, 'Sul carattere', 747.

¹¹⁵ For Cistercian General Chapter *Acta*, see Schneider, *Vom Klosterhaushalt*, 28–55.

¹¹⁶ Mucciarelli, *I Tolomei*, 159.

¹¹⁷ BAV, MS Chigi, G.I.15, fos 132r–137r: Luoghi dove hanno i loro sepolcri le case nobili di Siena, 1600, notati dal Signor Celso Cittadini, fo. 136v: lists for San Tommaso: Buonsignori, Bambi e Vieri, Buonagionti, Marinelli, Vaiari, Salimbeni, Turapilli, Cecchini. I am very grateful to Philippa Jackson for kindly providing this list.

¹¹⁸ A. Carniani, *I Salimbeni quasi una signoria* (Siena, 1995).

from northern cities, Zanoni proposed a series of purely economic reasons for the involvement of the Humiliati in communal office: the salary, sharing of fines, access to capital for their own purposes and the 'aura of esteem attributed to gold and those who handle it'.¹¹⁹ For Siena, some of these can be dismissed. There is no evidence that the *camerarius* shared any fines, nor as far as we can tell, that the Humiliati or Cistercians enjoyed use of the capital.¹²⁰ Association with gold no longer seems convincing as a source of esteem in the century of the Spirituals. The salary may have been handy, but the *Tavola delle possessioni* of 1318–19 shows that the Humiliati of San Tommaso were substantial landholders: 175,961 hectares, valued at 14,279 lire.¹²¹ So, of course, were the Cistercians. A salary of around 10 lire a month does not seem likely to have been decisive.

If we set aside the financial aspects there remain other elements of the role of *camerarius* in Siena which were potentially attractive to a religious community and its brethren. While they were not policy makers in the general sense, they did enjoy the opportunity to speak in the closed meetings of inner councils or the general debates of the Council of the Bell. The chance to carry out activities with more explicit spiritual benefits such as distribution of alms during famines may even have been enticing. Any assessment of the motivation of individual religious in these circumstances would require us to know something more about their motivation as individuals in entering the religious life. This information is simply not available for the Humiliati or Cistercians of Siena, but this does not mean it was not an important factor. Early medievalists emphasise the importance of kin in decisions about the religious life. In the century of Saint Francis it may seem anachronistic to emphasise kin over individual religious devotion, but kin, both in the blood and in the spiritual sense of the brotherhood of the order were undoubtedly important. Fra Bernardo may have been listened to in the crisis of 1311 because of his personal qualities as a *sapiens vir*,¹²² because he personified reli-

¹¹⁹ Zanoni, *Gli Umiliati*, 240–41.

¹²⁰ Various sums are recorded as being handed over to the new office holders by previous *camerarii* at the beginning of the new term, but this does not mean that the *camerarii* had use of the capital.

¹²¹ Calculated by Angelucci, 'Gli Umiliati', 269–71.

¹²² A fra Bernardo is recorded as *camerarius* in 1291, 1301, 1306, 1313, 1315, 1317, 1319, 1325. There are also a fra Bernardino recorded as *camerarius* in 1303 and 1320 and a fra Bernarduccio in 1297, 1299 and 1300. See ASSi Biccherna 104, 113, and MS A 87.

gious charisma, or also, because he came from (or was sponsored by) a kin group known in the city. Whether such men became *camerarii* out of individual preference or because forced by their superiors, what these religious obtained was reciprocal benefits for their communities. In return for providing honesty, objectivity and legitimacy to city government, they and their communities obtained a high profile in urban life and the opportunity to have a voice in the inner workings of government.

Above all, Zanoni's approach must be rejected because it divides the communities of cities such as Siena into opposing groups: laymen on one side, religious on the other. Trexler's arguments also implicitly portray the lay commune as turning to the religious of the city as an exterior body available as a tool in government. Certainly the model for a religious of integrity was not the same as that for a layman. But the roles different members of the community performed were more fluid than rigid distinctions allow. The religious involved were not passively selected, they were undoubtedly also making choices: *choosing* to contribute to government, and to the 'good state and honour' (*ad bonum statum et honorem*) of the Commune.¹²³ The widespread use of religious reminds us that the communes were not secular states. The religious in them adopted a separate form of life but remained part of the community. When the commune of Siena identified the monks of San Galgano *tanquam proprios cives nostros* this may have been more than a legal nicety.

¹²³ See above, note 43.

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